

AVAILABILITY OF INFORMATION
FROM FEDERAL DEPARTMENTS
AND AGENCIES
(Telephone Monitoring—Second Review)

EIGHTEENTH REPORT
BY THE
COMMITTEE ON GOVERNMENT
OPERATIONS



JUNE 22, 1962.—Committed to the Committee of the Whole House on
the State of the Union and ordered to be printed

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LETTER OF TRANSMITTAL

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 22, 1962.

HON. JOHN W. McCORMACK,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: By direction of the Committee on Government Operations, I submit herewith the committee's eighteenth report to the 87th Congress. The committee's report is based on a study made by its Special Government Information Subcommittee.

WILLIAM L. DAWSON, *Chairman.*

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO
CHICAGO, ILLINOIS 60637
OFFICE OF THE DEAN
540 EAST 58TH STREET
CHICAGO, ILLINOIS 60637
TEL: 773-936-5000
FAX: 773-936-5001
WWW.CHICAGO.EDU

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87TH CONGRESS 2d Session	}	HOUSE OF REPRESENTATIVES	}	REPORT No. 1898
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AVAILABILITY OF INFORMATION FROM FEDERAL DEPARTMENTS AND AGENCIES

(Telephone Monitoring—Second Review)

JUNE 22, 1962.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. DAWSON, from the Committee on Government Operations,
submitted the following

EIGHTEENTH REPORT

BASED ON A STUDY BY THE SPECIAL GOVERNMENT INFORMATION
SUBCOMMITTEE

On June 20, 1962, the Committee on Government Operations had before it for consideration a report entitled "Availability of Information From Federal Departments and Agencies (Telephone Monitoring—Second Review)." Upon motion made and seconded, the report was approved and adopted as the report of the full committee. The chairman was directed to transmit a copy to the Speaker of the House.

I. SCOPE AND BACKGROUND

On September 19, 1961, the Committee on Government Operations of the House of Representatives adopted House Report No. 1215 which reported on the first major survey ever made by Congress of telephone monitoring practices of Federal departments and agencies. The report pointed out that the exchange of information among Government agencies and between the agencies and the public often takes place over the telephone. The report listed the results of a questionnaire which the Special Subcommittee on Government Information sent to 37 important Federal agencies to determine whether the telephonic exchange of information is monitored, either by recording machines or by note-taking secretaries.

The subcommittee's survey disclosed that the great majority of the Federal agencies permit some form of telephone monitoring, and most of them had no regulations governing the practice. The survey uncovered hundreds of special devices which permit listening in on Government telephones without the knowledge of the person on the other end of the line. House Report 1215 concluded that the questions of propriety, efficiency and economy of the Government's telephone monitoring practices are important, but even more important "is the indication of a dangerous drift toward a huge bureaucracy peering over the shoulder of the citizen." As a result of the study, the Government Operations Committee recommended a complete survey of the Government's telephone monitoring practices to determine, among other things, exactly how many telephone listening-in devices the Government uses. The report also recommended:

1. Every Government agency should control telephone monitoring by clear, written regulations.
2. The regulations should ban telephone eavesdropping.
3. The regulations should ban use of recording devices unless there is advance notice to the other party.
4. The regulations should clearly specify that advance notice must be given whenever a secretary or any other person is placed on the line for any purpose whatsoever.

To carry out the comprehensive survey recommended in House Report 1215, the Special Subcommittee on Government Information sent letters to 57 Federal agencies. Those agencies previously contacted which had no regulations governing telephone monitoring, or which had regulations not requiring advance notice of monitoring, were asked what steps would be taken to implement the recommendations in House Report 1215. All agencies, whether or not they had answered the previous survey, were asked about the transmitter cutoffs and listening-in circuits they used for telephone monitoring, and all agencies were asked to comment on the "economy or efficiency" of telephone monitoring practices. Those Federal agencies which had not been surveyed were sent a comprehensive telephone monitoring questionnaire. Following is the comprehensive questionnaire:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
SPECIAL GOVERNMENT INFORMATION SUBCOMMITTEE
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
October 23, 1961.

DEAR MR. ———: Earlier this year the Special Subcommittee on Government Information conducted an initial survey to determine the extent to which telephone monitoring and recording is practiced in the Federal Government. The results of that survey were incorporated into House Report 1215, adopted by the House Committee on Government Operations. A copy of the report, with the committee's conclusions on page 5 and recommendations on page 6, is enclosed.

One of the committee's findings is that a "complete survey of telephone monitoring practices in Federal Government is indicated to determine, among other things, exactly how many telephone listening-in devices the Government rents." In that connection, please state

the number of transmitter cutoff switches in use on telephones assigned to your agency in the Washington area. Please state the total annual charge for such switches during the 1960-61 fiscal year. Also, please state how many listening-in circuits are installed on telephone equipment assigned to your agency in the Washington area, and the total annual charge during fiscal 1960-61.

To assist in completion of the subcommittee's initial study, please provide the following additional information on telephone monitoring and recording practices in your agency:

1. Does the agency have any rules or regulations covering telephone monitoring and recording? If so, please provide two copies.
2. Does the agency permit monitoring of incoming telephone calls? For the purposes of this study, monitoring is understood to include a secretary or any other person being on the line for any purpose whatsoever whether or not the person on the other end of the conversation has been notified.
3. If telephone recording devices are used to monitor or record incoming telephone calls, how many such devices are in use in your agency in the Washington area? Is a beeper or other warning device required to notify the other party that the call is being recorded by the devices?
4. If telephone recording devices are used, please specify the number of recorders wired into telephone circuits, the number of induction-type attachments that can be used to record telephone conversations on dictation machines without being wired into the circuit, and any other types of instruments that could be used to monitor or record telephone conversations. Please indicate which of these devices, if any, are equipped with a beeper or warning signal.
5. Please furnish the best available estimate of the cost of these recorders and attachments.

If your agency permits monitoring or recording of telephone conversations, please provide the subcommittee with your views on the findings, conclusions, and recommendations of the report, and your estimate of any increases in economy or efficiency in operations that can be attributed to use of monitoring and recording devices.

Sincerely,

JOHN E. MOSS, *Chairman.*

II. SUMMARY OF THE SECOND SURVEY OF TELEPHONE MONITORING PRACTICES

Federal Government agencies in Washington alone have been spending more than \$30,000 a year to rent telephone eavesdropping equipment—transmitter cutoffs, listening-in circuits, or connectors to hook up recording machines to Government telephones. Add to this nearly \$100,000 it cost the Government to buy the recording machines and there is an indication of the financial investment the Government makes to eavesdrop on telephone conversations.

As a result of House Report 1215 and the followup investigation, some major changes have been made in the Government's telephone manners—and many more changes are due. There were, for example, 4,790 transmitter cutoffs reported. These little devices—called "snooper buttons" by Government secretaries—permit one person in the same Government office to listen in on another person's call without the breathing or other background noise being transmitted over the "snooper's" telephone. These devices are rented for 25 cents a month per telephone, and they cost the Government \$15,766.35 during fiscal year 1961. As a result of the committee's report on telephone monitoring practices, Government agencies removed 529 transmitter cutoffs for a saving of some \$1,400.

Another "snooper button" similar to the transmitter cutoff is the listening-in circuit. This is a separate electrical circuit wired in with the telephone. It is a little more efficient for telephone eavesdropping and, therefore, costs 75 cents a month per telephone. There were 527 listening-in circuits reported, and these devices cost \$4,874.35 during fiscal year 1961. Following the committee's report, 193 listening-in circuits were removed from Government telephones for a saving of about \$1,737.

Government agencies also reported 211 recording machines wired in with telephone circuits. The military agencies reported by far the greatest use of the electronic eavesdroppers. The Army reported 70 recorders in use on telephone circuits, the Air Force reported 41 and the Navy reported 24. The Atomic Energy Commission reported the use of 28 electronic telephone recorders, but 10 AEC telephone recorders were removed as a result of the subcommittee's survey. The cost of operating the telephone recorders which the agencies reported was \$11,107 and the reported purchase price was \$98,277. Following the survey 12 recorders were removed for a reported saving in operating costs of \$2,542.

The telephone companies enforce a Federal Communications Commission rule requiring a beeper on recorders wired in with telephone equipment, and all Federal agencies which reported the use of recorders also reported that the devices were equipped with beepers. But there is no requirement for a warning that an induction attachment is being used to permit recording of a telephone conversation. This is a

small gadget which can be placed on any telephone set with a suction cup, then plugged in a standard dictating machine. Reproduction of both sides of a telephone conversation is as clear as voice dictation; unless the eavesdropper desires, there is no warning that the telephone conversation is being recorded. Two agencies—the Atomic Energy Commission and the Civil Aeronautics Board—reported the use of 16 induction attachments costing \$1,408.75. The AEC also reported that the 13 induction attachments it had been using would be removed.

When House Report 1215 was issued only eight Federal agencies had regulations controlling the monitoring of telephone calls. After the report and the followup survey, an additional 40 Federal agencies adopted telephone monitoring regulations. There still are 9 agencies which have no written regulations controlling telephone monitoring.

Of the 48 Federal agencies which have telephone monitoring regulations as recommended by the Committee on Government Operations, only 33 require advance notice to be given when a secretary or anyone else listens in on a telephone call for any purpose whatsoever. On the following pages is a résumé of the telephone monitoring practices reported in the second survey of Federal departments and agencies.

Summary of telephone monitoring practices of 57 Federal agencies

6

Agency	Transmitter cutoffs		Listening-in circuits		Recorders				Total annual cost of operating transmitter cutoffs, listening-in circuits, and recorders	Induction attachments		Monitoring controlled by regulations		Regulations require notice of all monitoring	
	Number	Annual operating cost	Number	Annual operating cost	Number	Annual operating cost	Acquisition cost	"Beeper" equipped		Number	Acquisition cost	Yes	No	Yes	No
Agency for International Development	191	\$542.25	0		0				\$542.25	0		Yes		Yes	
Agriculture	217	1,534.20	79	\$711.00	4	\$96	\$1,400	Yes	2,341.20	0		Yes		Yes	
American Battle Monuments Commission	0		0		0					0			No		
Atomic Energy Commission	2390	1,170.00	26	20.00	28	7,050	10,900	Yes	8,240.00	213	\$130.00	Yes		Yes	
Budget Bureau	296	305.60	0		0				305.60	0		Yes			No
Central Intelligence Agency	174	522.00	10	90.00	3	72		Yes	684.00	0			No		
Civil Aeronautics Board	216	33.40	0		1	24	442	Yes	57.40	3	1,278.75	Yes		Yes	
Civil Rights Commission	211	33.00	0		0				33.00	0		Yes		Yes	
Civil Service Commission	0		0		0					0		Yes			No
Commerce	61	246.00	14	243.00	1		375	Yes	489.00	0		Yes			No
Defense	527	1,581.00	1	31.80	3	72		Yes	1,684.80	0		Yes		Yes	
Army	302	906.00	11	213.00	70	1,680	49,000	Yes	2,799.00	0		Yes		Yes	
Navy	137	411.00	11	99.00	24	576	7,500	Yes	1,086.00	0		Yes		Yes	
Air Force	343	1,029.00	0		41	768	15,120	Yes	1,797.00	0		Yes		Yes	
District of Columbia	0		0		3		4,100	Yes		0		Yes		Yes	
Emergency Planning Office	111	333.00	0	9.00	1	24		Yes	366.00	0		Yes			No
Export-Import Bank	57	171.00	0		0				171.00	0		Yes			No
Farm Credit Administration	3	9.00	6	54.00	0				63.00	0		Yes			No
Federal Aviation Agency	48	104.20	0		12	288	5,400	Yes	392.20	0		Yes			No
Federal Coal Mine Safety Board of Review	3	5.40	0		0				5.40	0			No		
Federal Communications Commission	0		0		0					0		Yes		Yes	
Federal Deposit Insurance Corporation	0		0		0					0		Yes		Yes	
Federal Home Loan Bank Board	0		0		0					0		Yes		Yes	
Federal Maritime Commission	0		25	45.00	0				45.00	0			No		
Federal Mediation and Conciliation Service	5	3.75	27	60.75	30				64.50	0		Yes		Yes	
Federal Power Commission	7	3.75	20	219.00	0				222.75	0		Yes		Yes	
Federal Reserve System	29	37.80	2	18.00	0				55.80	0		Yes			No
Federal Trade Commission	0		0		0					0		Yes		Yes	
Fine Arts Commission	3	5.60	0		0				5.60	0			No		
Foreign Claims Settlement Commission	21	1.50	22	18.00	0				19.50	0		Yes		Yes	
General Accounting Office	0		0		0					0		Yes		Yes	
General Services Administration	201	465.00	16	174.60	30				639.60	0		Yes		Yes	

INFORMATION FROM FEDERAL AGENCIES

Health, Education, and Welfare.....	² 133	239.40	² 145	1,260.00	3	72	990	Yes.....	1,571.40	0	Yes ¹	Yes.....	No.		
Housing and Home Finance Agency.....	180	404.20	1	6.00	2	49		Yes.....	459.20	0	Yes ¹	No.....	No.		
Indian Claims Commission.....	0	0	0		0					0	Yes.....	Yes.....	No.		
Interior.....	164	359.40	0		0				359.40	0	Yes ¹	Yes.....	No.		
Interstate Commerce Commission.....	0	0	² 8	72.00	0				72.00	0	Yes ¹	No.....	No.		
Justice.....	85	227.40	0		0				227.40	0	Yes.....	Yes.....	No.		
Labor.....	30	78.00	18	162.00	0				240.00	0	Yes ¹	Yes.....	No.		
National Aeronautics and Space Administration.....	134	311.75	2	38.00	1	24			373.75	0	Yes.....	Yes.....	No.		
National Capital Transportation Agency.....	² 2	6.00	² 4	127.20	0				133.20	0	Yes ¹	Yes.....	No.		
National Labor Relations Board.....	² 6	192.60	² 8	72.00	0				264.60	0	Yes ¹	No.....	No.		
National Mediation Board.....	0	0	0		0				210.00	0	Yes ¹	Yes.....	No.		
National Science Foundation.....	60	210.00	0		0				54.65	0	Yes ¹	Yes.....	No.		
Peace Corps.....	² 58	54.65	0		0					0	Yes ¹	Yes.....	No.		
Post Office.....	0	0	0		0					0	Yes ¹	Yes.....	No.		
Railroad Retirement Board.....	0	0	0		0				60.00	0	Yes.....	No.....	No.		
Renegotiation Board.....	² 20	60.00	0		0					0	Yes ¹	Yes.....	No.		
Securities and Exchange Commission.....	0	0	0		0					0	Yes ¹	Yes.....	No.		
Selective Service.....	² 1	3.00	² 4	36.00	1	24	30	Yes.....	63.00	0	Yes ¹	Yes.....	No.		
Small Business Administration.....	² 78	153.60	0		0				153.60	0	Yes ¹	Yes.....	No.		
State.....	708	2,868.00	94	564.00	0				3,432.00	0	Yes ¹	Yes.....	No.		
Subversive Activities Control Board.....	0	0	0		0					0	Yes ¹	Yes.....	No.		
Treasury.....	105	853.90	38	405.00	1		220	Yes.....	1,258.90	0	Yes ¹	Yes.....	No.		
U.S. Information Agency.....	² 34	102.00	14	126.00	² 4	96		Yes.....	324.00	0	Yes ¹	Yes.....	No.		
U.S. Tariff Commission.....	² 2	18.00	0		0				18.00	0	Yes ¹	Yes.....	No.		
Veterans' Administration.....	57	171.00	0		8	192	2,800		363.00	0	Yes ¹	Yes.....	No.		
Total.....	4,790	\$15,766.35	527	\$4,874.35	211	\$11,107	\$98,277	17	\$31,747.70	16	\$1,408.75	48	9	33	15

¹ New regulations following committee survey.

² Some or all removed following committee survey.

³ Report use of 6 recorders which can be used for telephone answering only.

III. A CASE STUDY—TELEPHONE MONITORING BY THE 4TH ARMY

Shortly after the adoption of House Report No. 1215 criticizing the uncontrolled monitoring of Government telephones, the Special Subcommittee on Government Information uncovered a classic example of the dangers inherent in the practice.

An investigator on the subcommittee staff telephoned Capt. James Lunz in Houston, Tex., to discuss information problems in connection with a seminar the 4th Army Headquarters was sponsoring in Houston. Captain Lunz, a reservist on temporary duty in the 4th Army Intelligence Section to help set up the seminar, told the investigator that the telephone call was being recorded. The investigator requested a transcript of the recording.

The typed transcript turned out to be garbled and edited with substantial sections deleted. The subcommittee asked for the original Dictabelt on which the telephone call was recorded, but a tape recording was furnished instead, and the subcommittee was informed later that the original Dictabelt had been destroyed with other "obsolete material" under 4th Army's standard operating procedures.

When the subcommittee asked for details on the destruction of the Dictabelt, the major general in charge of the Army's legislative liaison implied that it had been burned before the subcommittee requested it. He was not able to identify the other "obsolete material" nor were the "standard operating procedures" ever reduced to writing. In view of the handling of the telephone monitoring case by the Army officers, Congressman Moss brought the entire matter to the attention of the Secretary of the Army. One paragraph of his letter summed up the situation:

The original typewritten transcript offered by 4th Army of the telephone conversation was grossly inaccurate. It had been edited to the extent of changing words and phrases—and, thus, meanings—and even cutting out whole sections of the conversation. The tape recordings subsequently provided by 4th Army also lacked a significant part of the conversation. And when the basic evidence itself was sought, 4th Army destroyed it. There is no way to tell whether the tape recording has been doctored, or whether the original recording was incomplete. And the final act in this dangerous procedure is an apparent attempt by an Army representative to rewrite the facts in the case to make it appear that the destruction of evidence came about innocently, weeks before the subcommittee sought it for examination; the facts are that the subcommittee asked in writing for the evidence at least 6 weeks before it was destroyed.

The Secretary of the Army, admitting there had been "a number of editorial changes," directed that the original, inaccurate transcript of the telephone recording be removed from 4th Army files. Correspondence in the case appears in the appendix on page 98.

IV. CONCLUSIONS

As a result of House Report 1215, telephone monitoring regulations were adopted by 40 Federal agencies in addition to the 8 which already had written regulations. However, 9 agencies still do not agree that they should "control telephone monitoring by clear, written regulations" as recommended in the report. Only 2 of the 9 agencies permitting unregulated monitoring are major ones: the Central Intelligence Agency, which insists that its supersecret activities justify uncontrolled telephone eavesdropping at its Washington headquarters (p. 25), and the Department of Justice. The telephone monitoring practices in both agencies contrast strangely with those of the Government's major security agency—the Defense Department including all the military services—which adopted strong regulations prohibiting unannounced telephone monitoring early in 1961. The Department of Justice contention that it is not necessary to control monitoring of the agency's telephones (H. Rept. 1215, p. 27, and this report, p. 71) also is at variance with the Department's official position on wiretapping legislation which would permit eavesdropping on private telephone calls. Such eavesdropping under the Department's proposal (S. 2813) would be permitted only under clear-cut rules, closely supervised; however, unsupervised monitoring of Justice Department telephones now is permitted without any rules or regulations.

In addition to the Department of Justice and the Central Intelligence Agency, seven other Federal agencies have no written regulations controlling unannounced telephone monitoring. They are the American Battle Monuments Commission, Federal Coal Mine Safety Board of Review, Federal Maritime Commission, Fine Arts Commission, Indian Claims Commission, National Mediation Board, and Renegotiation Board.

Of the 48 Federal agencies which do have written regulations controlling telephone monitoring, 15 require notification only when a verbatim record is to be made of some or all of the conversation, but their regulations do not specify that "advance notice must be given whenever a secretary or any other person is placed on the line for any purpose whatsoever" (H. Rept. 1215). These 15 agencies permit a note-taking secretary to listen in unannounced on telephone conversations to pick up such items as names, dates, and references. They do not explain in their regulations where unannounced secretarial note taking stops and furtive telephone eavesdropping begins. The 15 agencies are the Budget Bureau, Civil Service Commission, Commerce Department, Emergency Planning Office, Export-Import Bank, Farm Credit Administration, Federal Aviation Agency, Federal Reserve System, Housing and Home Finance Agency, Labor Department, National Aeronautics and Space Administration, National Science Foundation, Subversive Activities Control Board, Treasury Department, and the Veterans' Administration.

As the result of the committee's telephone monitoring inquiry, there were 747 recording devices and "snooper buttons" removed from Government telephones for an annual saving of nearly \$6,000. But more than 5,000 gadgets to permit telephone eavesdropping still are attached to Government telephones in the Washington area alone.

V. RECOMMENDATIONS

Telephone monitoring, even when governed by clear regulations requiring both parties to be notified of a third party on the line, can become a dangerous practice, as it did when Army officials doctored the transcript of a monitored telephone call and destroyed the evidence (p. 8). Even more dangerous is the situation in those Federal agencies with halfway regulations which permit unannounced telephone monitoring by secretaries taking down such items as names, dates, and references. A secretary who is required to listen secretly to part of a conversation too easily can be used for full-time telephone eavesdropping. And most dangerous is the unregulated telephone monitoring practiced by those Federal agencies which still assert a bureaucratic right to snoop.

When clear regulations prohibit furtive telephone monitoring in all Government agencies, it will be unnecessary to waste tax funds on thousands of "snooper buttons." The committee, therefore, repeats its earlier recommendations that—

Every Government agency should control telephone monitoring by clear, written regulations.

The regulations should ban furtive telephone monitoring.

The regulations should clearly specify that advance notice must be given whenever a secretary or any other person or recording device is placed on the line for any purpose whatsoever.

VI. AGENCY ANSWERS TO TELEPHONE MONITORING INQUIRY

AGENCY FOR INTERNATIONAL DEVELOPMENT

WASHINGTON

DECEMBER 21, 1961.

Hon. JOHN E. MOSS,
*Chairman, Special Subcommittee on Government Information of the
House Committee on Government Operations.*

DEAR MR. CHAIRMAN: This is in response to your letter of October 23, 1961, concerning telephone monitoring.

I have been informed that offices recently transferred to AID have 191 telephones which are equipped with transmitter cutoff switches and that their charges for such switches in fiscal year 1961 amounted to \$542.25. No listening-in circuits are installed on AID telephones, and there are no telephone recording devices in use.

Your committee is aware of the memorandum issued on June 28, 1961, by the Development Loan Fund, and it is my understanding that no other regulations on this subject have been issued by AID predecessor organizations. However, I am most anxious that AID get off to a proper start in this respect. Accordingly, an appropriate set of standards and regulations has been developed for AID, a copy of which is attached for your information. I have also issued instructions that a survey of the above noted equipment be made with the objective of removing any which cannot be adequately justified.

Sincerely yours,

FOWLER HAMILTON.

AID/W NOTICE

Subject: Telephone monitoring practices.

A recent congressional report on telephone monitoring practices in various agencies recommends that each agency establish written regulations on this subject.

In general AID policy is to discourage telephone monitoring practices of any kind by its employees. In lieu of recording telephone conversations, important agreements, decisions, etc., should be made a matter of record by promptly sending a confirming letter to the other party.

A. Use of recording devices

Mechanical recording devices of all types are generally prohibited. Officials of Assistant Administrator or higher rank may authorize installation and use of a recording device when unusual circumstances justify one. This authority may not be redelegated. In any such case only equipment installed as an integral part of the telephone system and equipped with a "beeper" warning signal may be used. Other types of recording equipment are not authorized under any circumstances.

B. Secretarial monitoring

The practice of having a secretary regularly listen in on all telephone conversations is considered uneconomical and wasteful of staff time. However, when it will facilitate the conduct of official business, a secretary may be permitted to listen in accordance with the following guidelines:

1. Verbatim transcripts are to be considered an exception to normal procedure and are authorized only if both parties agree that a transcript is necessary or desirable and should be or may be made. This agreement should be made a part of the record of the transcript.

2. When the other party to a call is so advised, secretaries may listen in to record names, addresses, dates, identify and provide files and records necessary to the conversation, arrange meetings and appointments, note information to be subsequently furnished the caller or other follow-up action to be taken, and to record such partial transcripts or summaries of the conversation as both parties agree to. Secretaries are not authorized to monitor or listen in on calls without permission of their supervisor.

AID telephone equipment records indicate that a considerable number of instruments are equipped to facilitate telephone monitoring. PS/GSD will provide each office with a list of such phones. The head of the office concerned must approve the continued use of such equipment, and the use of mechanical recording devices must be authorized as in A above.

AGENCY FOR INTERNATIONAL DEVELOPMENT MANUAL ORDER
TRANSMITTAL LETTER NO. AID/W-179, MARCH 26, 1962

MATERIAL TRANSMITTED

M.O. 511.3—*Telephone monitoring practices*

The attached manual order has been revised to reflect new agency policy prohibiting telephone monitoring by use of recording devices, and to establish strict rules for limited secretarial monitoring of telephone conversations when agreed by the parties involved.

Supersedes: M.O. 511.3 dated January 3, 1962 (TL AID/W-175).

AGENCY FOR INTERNATIONAL DEVELOPMENT MANUAL

Subject: Telephone monitoring practices.

Transmittal letter No. AID/W-179.

Effective date: March 26, 1962.

Supersedes: M.O. 511.3, dated January 3, 1962.

I. General

This order establishes AID policy regarding telephone monitoring practices.

II. Policy

AID policy prohibits the use of mechanical telephone monitoring devices of any kind. In lieu of recording telephone conversations, important agreements or decisions should be made a matter of record promptly by sending a confirming letter to the other party. AID policy also prohibits secretaries listening in on telephone conversations except as provided in paragraph III. below.

III. Secretarial monitoring

When it will facilitate the conduct of official business, a secretary may be permitted to listen in accordance with the following guidelines:

A. Verbatim transcripts are authorized only if both parties agree in advance that a transcript is necessary or desirable and should be or may be made. This agreement should be made a part of the record of the transcript.

B. When directed by their supervisors and when the other party to a call is so advised, and agrees, secretaries may listen in to the pertinent portion of the conversation for the following purposes: to record names, addresses, dates, identify and provide files and records necessary to the conversation, arrange meetings and appointments, note information to be subsequently furnished the caller or other followup action to be taken, and to record such partial transcripts or summaries of the conversation.

DEPARTMENT OF AGRICULTURE

WASHINGTON

DECEMBER 14, 1961.

Hon. JOHN E. MOSS,

Chairman, Special Government Information Subcommittee of the Committee on Government Operations.

DEAR MR. CHAIRMAN: Further reference is made to your letter of October 23, our letter of October 30, and staff discussions concerning the request for information on telephone monitoring equipment and recording practices within the Department of Agriculture. We have completed a detailed inventory of telephone and related equipment used in this Department, and there is listed below information on the specific equipment which the request of your committee covered:

	Number	Annual cost fiscal year 1961	Estimated purchase price
1. Transmitter cutoff switch.....	217	\$1,534.20	
2. Listening-in circuits.....	79	711.00	0
3. Recorder connector attachments furnishing beeper signals.....	4	96.00	0
4. Recording machines associated with above recorder connectors.....	4	0	\$1,400
5. Induction-type attachments and recorders.....	0	0	0

We, in the Department of Agriculture, are in agreement with the views of the subcommittee as stated in House Report 1215 on the general subject of telephone monitoring. However, we wish to make some brief comments on the use of monitoring equipment in this Department.

The equipment described in items 1 and 2 above is utilized in offices that serve as central reception points for several key officials. Two or more secretaries in the same office serve several officials whose telephones are in a rotary system. To eliminate office noises, such as typewriters, office machines, and conversation, from the telephone conversations, the equipment listed has been found to be very efficient. During a telephone conversation it sometimes becomes necessary to have exact dates, pertinent facts, and verbatim opinions. A secretary is requested to take such information on a verbatim basis. Under no conditions is a secretary requested to be on the line without the knowledge and consent of the second party to the conversation. To have a phone open in an office where other phones are answered and office machines are operated during a telephone conversation creates a very unsatisfactory condition.

We have not heretofore attempted to make an economic analysis of our system; however, with the acute space shortage for our operations it is essential that offices be occupied on a multiple basis. Only key employees have private offices.

We have been convinced that our practice greatly improves efficiency of manpower utilization and, in many instances, eliminated the necessity of additional letterwriting and other forms of written communications to establish specific facts on important cases.

The equipment covered by items 3 and 4, which are equipped with a "beeper" warning signal, has increased both the economy and efficiency in the areas in which they are used. For example, the recording of complaints relating to complex contracts on the purchase and sale of perishable products reduces the possibility of error and eliminates the necessity of stenographic and technical personnel time for written communications which would, in fact, confirm and support a telephone report. Another example is recording "on the spot" interviews or reports from research specialists on regulatory problems. This method permits complete verbatim facts on the problem and prompt specialists' opinions. In many instances time would not permit the delay of a report which would be necessitated by written communications. Final decisions which are to be made in these areas often require the thinking and judgment of several staff members. These recorded facts and opinions can be promptly and efficiently utilized by the staff in making required decisions.

On the subject of eavesdropping, we have no basis or reason to believe that such is practiced in the Department. We do not now have nor have we received in the past any complaints in this area.

While this Department heretofore has had specific regulations with regard to telephone monitoring, we are now reissuing the regulation to more clearly state and establish the Department's policy on all phases of this subject. A copy of section 7 to our administrative regulations is enclosed.

We trust that the information which we have provided is adequate for your use. However, if additional information is desired, please advise us as we are most interested in providing the factual data needed on this important subject.

Sincerely yours,

JOSEPH M. ROBERTSON,
Administrative Assistant Secretary.

CHAPTER 13—TELEPHONE SERVICE

SECTION 7—TELEPHONE MONITORING

513. *Policy.*—It is the policy of the Department to prohibit the monitoring of telephone conversations by means of transmitter cutoff switches, listening-in circuits, or listening in on extension telephones, except as outlined below.

514. *Monitoring of telephone calls.*—The use of any of the above devices for monitoring telephone calls will be limited to cases of real need and then only as provided herein. No officer or employee of the Department of Agriculture shall authorize or permit the practice of monitoring telephone conversations from, to, or within the Department for the purpose of taking a verbatim transcript of the conversation, in whole or in part, or for the transcription of data such as names, dates, etc., unless adequate notice is given to, and agreement received from the other participant(s) to the conversation. The monitoring shall be terminated as soon as this portion of the telephone conversation is completed.

515. *Noncompliance.*—Deviation from the above procedure of monitoring telephone calls shall be construed to be unannounced telephone eavesdropping. Such practices are prohibited and will not be condoned.

AMERICAN BATTLE MONUMENTS COMMISSION

WASHINGTON

NOVEMBER 6, 1961.

Hon. JOHN E. MOSS,

Chairman, Special Government Information Subcommittee of the Committee on Government Operations.

DEAR MR. MOSS: Referring to your letter to Gen. Jacob L. Devers, Chairman, ABMC, dated October 23, 1961, we are glad to answer the questions contained therein.

1. The Commission does not have any formal rules or regulations covering telephone monitoring and recording. No need for such regulations has arisen since the "monitoring or recording of telephone conversations" in any form has not been practiced. It is understood that the term "monitoring and recording," as used in your letter, does not include the preparation of a memorandum for record, of the substance of a telephone call, by the participating individual, or a multiperson call (three or more) wherein each individual actively participates.

2. The question of permitting or forbidding monitoring of incoming telephone calls has not previously arisen, since the practice has not been employed.

3. No telephone recording devices are used in any of the Commission offices, in Washington or elsewhere.

We trust that the above will provide the desired information.

Sincerely,

WILLIAM A. WALKER,
*Colonel, Artillery,
Administrative Officer.*

AMERICAN BATTLE MONUMENTS COMMISSION

WASHINGTON

MARCH 26, 1962.

Hon. JOHN E. MOSS,
*Chairman, Special Government Information Subcommittee of the
Committee on Government Operations.*

DEAR MR. MOSS: As requested by Mr. Archibald of your subcommittee the following supplemental report is furnished.

The telephone equipment in the Commission's offices includes the following standard extensions:

(1) Two extensions (total three phones) on one telephone number.

(2) Four telephones have a single extension (total two phones) on one telephone number.

None of the telephones has a transmitter cutoff switch, or special listening-in circuit as described in your report.

The Defense Department makes a blanket charge of \$10.95 per month for "station equipment" which includes the above-listed extensions.

At times a secretary or stenographer will be asked to listen in to record dictated matter, addresses, or instructions. Also multiple party conversations between three or more persons, all in active discussion will occasionally be conducted.

Sincerely,

WILLIAM A. WALKER,
*Colonel, Artillery,
Administrative Officer.*

ATOMIC ENERGY COMMISSION

WASHINGTON

NOVEMBER 13, 1961.

Hon. JOHN E. MOSS,
*Chairman, Special Subcommittee on Government Information, Com-
mittee on Government Operations.*

DEAR MR. MOSS: In partial response to your letter of October 23, 1961, the Commission currently leases 137 telephone transmitter cutoff switches in the Washington area. The annual rental cost of these features in fiscal year 1961 was \$411. No listening circuits are installed in our Washington area offices.

Our Germantown, Md., and Washington, D.C., offices employ four telephone recorders with a total estimated cost of \$1,020. Two recorders connected to PBX extension lines are equipped with the "beep" tone signal device. The other two recorders are wired to private line circuits used only for air raid warning. In accordance with FCC order No. 6787 and public notice 60591, the private line recorders are not equipped with the tone device. No induction attachments are employed in our Washington area offices.

Additional data regarding telephone monitors and recorders in use by our field offices and other information and comments requested in your October 23 letter will be furnished in approximately 3 weeks.

Sincerely yours,

A. R. LUEDECKE,
General Manager.

ATOMIC ENERGY COMMISSION

WASHINGTON

JANUARY 9, 1962.

Hon. JOHN E. MOSS,
*Chairman, Special Subcommittee on Government Information, Com-
mittee on Government Operations.*

DEAR MR. MOSS: By letter of November 13, 1961, the AEC General Manager furnished to you information regarding the number of telephone recorders and transmitter cutoff switches in use by the Commission in the Washington area. A recent survey of our field operations indicates that the following additional equipment is in use by our field offices and contractors:

Recorders (Government owned).....	24
Estimated average cost.....	\$370
Telephone transmitter cutoff switches:	
Government owned.....	15
Rented.....	42
Average annual rental cost.....	\$3
Telephone listening circuits:	
Government owned.....	4
Rented.....	2
Average annual rental costs.....	\$10

AEC regulations require that all telephone recorders used on toll message service be equipped with the tone signal connectors as prescribed by the Federal Communications Commission and State regulatory commissions. Our survey indicates that all AEC offices are complying with this regulation.

Also, as accessories to equipment used for recording of dictation, the survey lists 13 induction-type attachments with an estimated value of \$10 each. AEC regulations, however, prohibit use of such attachments for recording of telephone calls on toll message circuits; i.e., on other than private lines. The only other instruments reported as capable of use to monitor or record telephone conversations are automatic telephone answering recorders. These instruments permit the user to record a message informing the calling party that the telephone is unattended and requesting him to leave a message. Our field offices report use of 47 such instruments at an average rental cost of \$150 per year.

To assure that all AEC employees have clear written instructions regarding monitoring and recording of telephone conversations, the Commission has recently updated its policy on the use of electronic telephone recorders (see enclosure 1) and is currently expanding this regulation to cover secretarial monitoring practices (see enclosure 2). AEC offices have also been requested to review the need for each telephone recorder, transmitter cutoff switch, and listening circuit and to discontinue all such items not essential for administrative accuracy or efficiency or required in emergency type operation. (See enclosure 3.)

Electronic recording of telephone conversations is practiced by the AEC only occasionally; i.e., when a verbatim record is essential for specificity in normal communications or to provide an accurate reference in our emergency operations. Recorders are essential on certain of our interagency warning circuits and internal emergency service lines where access is confined to a private line (such as the national warning system) or to stations within an AEC PBX system. Other recorders provided for emergency purposes are available to outside calls, such as those requesting radiological assistance and these are equipped with tone warning signals as required by FCC regulations.

The AEC believes these objectives are generally consistent with conclusions of the special subcommittee in the matter of telephone monitoring and recording as set forth in H.R. 1215. We suggest that recommendation 4 be clarified to recognize that occasional unannounced monitoring of telephone conversations by PBX operators may be necessary to transfer calls, determine availability of a line, verify disconnect signals, and so forth.

I trust that the foregoing information and comments will be helpful to the work of your subcommittee.

Sincerely yours,

GLENN T. SEABORG, *Chairman.*

AEC MANUAL

IMMEDIATE ACTION DIRECTIVE

IAD No. 0200-3.

Subject: Electronic recording of telephone conversations.

Date: September 25, 1961.

Current regulations of the Federal Communications Commission (FCC) pertaining to the use of customer-owned voice recording equipment in connection with message toll telephone service are attached for your information and guidance.

The attached regulations apply to all telephones used for toll message service including those provided toll service on a flat rate basis through use of foreign exchange trunks or lines. These regulations do not apply to telephones used exclusively for intercommunication within a PBX system or to stations on private line circuits, such as local "order wires," the national warning system, etc. Similar tariff regulations applicable to the use of recording devices in connection with local and intrastate telephone service have been filed by the telephone companies with the respective State regulatory commissions.

All recording devices connected to telephones leased by the AEC or its operating contractors are to be equipped and used in accordance with applicable orders of the FCC and State regulatory commissions.

A. R. LUEDECKE,
General Manager.

(Attachment)

AMERICAN TELEPHONE & TELEGRAPH CO., LONG LINES DEPARTMENT,
TARIFF FCC No. 132

MESSAGE TOLL TELEPHONE SERVICE

B. GENERAL REGULATIONS (CONTINUED)

21 *Connection with customer-owned voice recording equipment*

Message toll telephone service furnished by the Telephone Company is not represented as adapted to the recording of telephone conversations or messages by means of voice recording equipment. However, customer-owned voice recording equipment may be used in connection with message toll telephone service for the following purposes and subject to the following conditions:

a. *Recording of two-way telephone conversations*

(Filed in compliance with order dated May 20, 1948, of Federal Communications Commission in Docket No. 6787.)

(1) Connection of customer-owned voice recording equipment with facilities of the Telephone Company for the recording of telephone conversations shall be made only through recorder connector equipment which contains a recorder tone device automatically producing a distinctive recorder tone that is repeated at intervals of approximately fifteen seconds when the recording equipment is in use.

(2) Permanent connection shall be made only through recorder connector equipment furnished, installed, and maintained by the Telephone Company.

(3) Connection may be made through portable recorder connector equipment provided such equipment is obtained from and is maintained by the Telephone Company. The portable recorder connector equipment shall be connected with the telephone line through jacks installed by the Telephone Company on each line or at each station used for recording purposes, except that where recording is done at a cord switchboard, a portable jackbox supplied and maintained by the Telephone Company may be used.

(4) The customer-owned voice recording equipment shall be so arranged that at the will of the user it can be physically connected to or disconnected from the facilities of the Telephone Company or switched on and off.

b. *Recording of incoming messages only*

(1) Connection of customer-owned voice recording equipment with the facilities of the Telephone Company for the recording of incoming messages only shall be made only through recorder control equipment or recorder connector equipment furnished, installed, and maintained by the Telephone Company. A recorder tone is not required.

(a) Recorder control equipment permits unattended operation. This equipment trips the ringing, holds the connection, sends a start tone to the customer-owned recorder, sends directing tones to the calling party, and disconnects at the end of the message.

The use of recorder control equipment is limited to calls received in the Chicago-Metropolitan Area of the Illinois Bell Telephone Company and in the Boston-Metropolitan Area of the New England Telephone and Telegraph Company.

(b) Recorder connector equipment requires attended operation.

(2) Recorder control and recorder connector equipment furnished in connection with the recording of incoming messages only will be furnished only in connection with non-published individual business lines.

(3) A telephone set will be furnished by the Telephone Company which can be used by an attendant to monitor the incoming call. The telephone set will be equipped with a key which permits the attendant to converse with the calling party but physically prevents the recording of such a two-way telephone conversation.

Issued: March 2, 1961.

Effective: April 1, 1961.

AEC MANUAL

IMMEDIATE ACTION DIRECTIVE

IAD No. 0200-5.

Subject: Monitoring and recording of telephone conversations.

Date: December 18, 1961.

Monitoring or recording of telephone conversations is costly in time and generally not warranted. It shall not be practiced by the AEC except under the following conditions:

For calls involving parties outside the AEC, secretaries or other employees may take notes only during designated telephone conversations for purpose of recording essential details or to otherwise facilitate the work at hand provided other parties to the call are advised in advance that the conversation will be monitored. A verbatim record of portions or all of a telephone conversation may be made when all parties agree in advance that this is to be done. No calls from parties outside the AEC will be monitored without explicit affirmative instructions for each call.

For calls involving AEC personnel only, secretaries or other employees may take notes during telephone conversations for purpose of recording essential details provided such monitoring is requested by the responsible supervisor to insure necessary accuracy or otherwise facilitate the work at hand. If a verbatim record is to be made other parties to the call should be notified.

Telephone transmitter cutoff switches and special listening circuits may be installed only for the purpose of minimizing the attenuation of telephone transmission levels during monitoring and must be used only in accordance with the above procedures.

When electronic recording of telephone conversations is essential for accuracy or for reference in emergency type operations, the recording devices are to be equipped and used in accordance with applicable orders of the FCC and State regulatory commission. (See IAD No. 0200-3 dated September 25, 1961). All parties should be informed that the conversation is to be or is being

recorded even though a tone warning signal is applied to signify recording.

Installation of electronic telephone recorders in the Washington area must be approved by the general manager and in the field by managers of offices under their jurisdiction.

Monitoring and recording of all telephone calls shall be handled as specified above.

A. R. LUEDECKE,
General Manager.

MEMORANDUM

DECEMBER 18, 1961.

To: Heads of divisions and offices, headquarters; managers of field offices.

From: A. R. Luedecke, general manager.

Subject: Monitoring and recording of telephone conversations.

Immediate action directive 0200-5 sets forth AEC policy regarding monitoring and recording of telephone conversations.

Consistent with this policy, all AEC offices are to confine the use of electronic telephone recorders, telephone transmitter cutoff switches, and special listening circuits to the minimum essential for administrative accuracy and emergency-type operations.

To insure prompt implementation of this policy, the Director, Division of Headquarters Services for AEC Headquarters and managers of field offices are to immediately review the need for each telephone recorder, telephone transmitter cutoff switch, and special listening circuit under their jurisdiction and remove all of these items which are not absolutely essential.

ATOMIC ENERGY COMMISSION

WASHINGTON

FEBRUARY 8, 1962.

Hon. JOHN E. MOSS,

*Chairman, Special Subcommittee on Government Information,
Committee on Government Operations.*

DEAR MR. MOSS: In our letter to you dated January 9, 1962, we reported that all AEC offices were complying with our instructions that telephone recorders used on toll service lines must be equipped with tone signal connectors as prescribed by the Federal Communications Commission and State regulatory commissions. This letter is to inform you that it has come to my attention that a dictation recorder at one of our field offices has been used in conjunction with a Bell System "speaker-phone" to record some telephone calls without a tone signal connector. However, this speaker-phone was removed in November 1961, and no further use is being made of the dictation recorder for telephone recording purposes.

In light of the above, I have instructed all AEC offices that no method similar to the speaker-phone arrangement described above is to be used for telephone conversation monitoring or recording purposes in contravention of AEC instructions. I am also reiterating my earlier instructions to all AEC offices that the use of telephone moni-

toring and recording devices is to be stringently limited and only in accordance with previously issued instructions contained in immediate action directives 0200-3 and 0200-5 of September 25 and December 18, 1961.

Sincerely yours,

A. R. LUEDECKE,
General Manager.

ATOMIC ENERGY COMMISSION

WASHINGTON

APRIL 2, 1962.

Hon. JOHN E. MOSS,
Chairman, Special Subcommittee on Government Information, Committee on Government Operations.

DEAR MR. MOSS: On March 22, a member of your staff informed AEC by telephone that the subcommittee plans to issue another print on Government telephone recording and monitoring practices and suggested that any additional results of AEC surveys be furnished for inclusion in the subcommittee's next report.

By memorandum dated December 18, 1961, AEC offices were requested to review the need for each telephone recorder, transmitter cutoff switch, and listening circuit and to discontinue all such items not essential for administrative accuracy or efficiency or required in emergency-type operations. A copy of the December 18 memorandum is enclosed.

On February 8, 1962, I requested reports of action taken to implement instructions of the December 18 memorandum. The following reductions have been effected or ordered.

	Previously reported	Removal completed	Removal ordered	Remain in service
Telephone recorders.....	28	7	3	18
Transmitter cutoff switches ¹	390	153	61	176
Listening circuits.....	6	4	0	2
Induction attachments.....	13	13	0	0

¹ In checking our records against a recent physical survey of telephone equipment in our Washington area offices, it was determined that many transmitter cutoff switches have been carried on telephone company records under other nomenclature. Due to this discrepancy, 196 transmitter cutoff switches were inadvertently omitted from our letter of Nov. 13, 1961. Accordingly, our Nov. 13 letter should be amended to indicate that the Commission leased 333 telephone transmitter cutoff switches in the Washington area at that time. The 390 reported above also include 57 in field locations.

NOTE.—Not included above are automatic telephone-answering recorders which inform the calling party that the telephone is unattended and request him to leave a message. In our letter to your committee dated Jan. 9, 1962, we reported AEC use of 47 automatic telephone-answering recorders. One additional automatic answering recorder has subsequently been installed in our headquarters technical library. The need for this recorder will be reevaluated after a 3-month trial use.

Eleven of the telephone recorders remaining in service are used in emergency services involving fire, security, health, and safety activities, power substation operation and functions of our radiological assistance teams. Five recorders are used at our Los Alamos Scientific Laboratory and one at our National Reactor Testing Station for recording complex scientific and technical data related to our research and reactor programs. The remaining recorder is located at the Los Alamos area office for use in recording special procurement requirements. All transmitter cutoff switches and listening circuits have been removed or ordered disconnected except those required for communi-

cation in very noisy locations, to minimize the attenuation of transmission level and to permit secretarial recording of essential details on designated telephone conversations.

As provided in AEC instructions previously furnished your committee (IAD 0200-5, Dec. 18, 1961), secretarial monitoring of outside calls is permitted only by agreement of all parties to the call.

Further reviews will be conducted to insure that the number of telephone recording and monitoring instruments are maintained at the minimum essential for administrative accuracy and emergency-type operations. Recorders remaining in service will, of course, be operated in compliance with FCC regulations which have been published in AEC instructions.

Sincerely yours,

A. R. LUEDECKE,
General Manager.

MEMORANDUM

DECEMBER 18, 1961.

To: Heads of divisions and officers, headquarters; managers of field offices.

From: A. R. Luedecke, general manager.

Subject: Monitoring and recording of telephone conversations.

Immediate Action Directive 0200-5 sets AEC policy regarding monitoring and recording of telephone conversations.

Consistent with this policy, all AEC offices are to confine the use of electronic telephone recorders, telephone transmitter cutoff switches, and special listening circuits to the minimum essential for administrative accuracy and emergency-type operations.

To insure prompt implementation of this policy, the Director, Division of Headquarters Services for AEC Headquarters and managers of field offices are to immediately review the need for each telephone recorder, telephone transmitter cutoff switch, and special listening circuit under their jurisdiction and remove all of these items which are not absolutely essential.

BUREAU OF THE BUDGET

WASHINGTON

JANUARY 18, 1962.

Hon. JOHN E. Moss,

Chairman, Special Government Information Subcommittee of the Committee on Government Operations.

DEAR MR. CHAIRMAN: This is in reply to your letter of October 23, 1961, inquiring as to the practices of the Bureau of the Budget in monitoring telephone communications.

I have investigated the Bureau's practices thoroughly, and I am very glad to report that neither at present nor in the past have recording devices been used to monitor telephone conversations, and no funds have been used for the rental or purchase of such equipment. I would agree that where such recording devices may be used in the Government, they should be equipped with a signal to acquaint the other party with the fact that the conversation is being recorded.

It seems clear, therefore, that the subcommittee's principal concern is not applicable to the Bureau of the Budget. I should add, however,

for the sake of completeness, that although we do not use recording devices, a number of officials of the Bureau do from time to time have their secretaries stay on the line for purposes of making notes of appointments or questions which require the subsequent pursuit of accurate answers. This seems to me a sensible practice, and one which in no way constitutes taking any advantage of other persons. In order that this may be done without the noise of clacking typewriters and other distractions interfering with the conversation, we have noise cutoffs on about 20 percent of the Bureau's 498 telephones.

I appreciate the opportunity to make our practices known to the subcommittee, and I regret that the press of work on the new budget has delayed my reply until now.

Sincerely,

DAVID E. BELL, *Director.*

BUREAU OF THE BUDGET

WASHINGTON

MARCH 30, 1962.

Hon. JOHN E. MOSS,

Chairman, Special Government Information Subcommittee of the Committee on Government Operations.

DEAR MR. CHAIRMAN: With reference to a telephone request from Mr. Samuel J. Archibald, of your subcommittee staff, I am supplying some additional and clarifying information with regard to your inquiry of October 23, 1961, on the subject of telephone noise cutoffs.

The number of transmitter cutoff switches in use on telephone assigned to this agency was 96 at the time of our initial report to you. This constituted about 20 percent of the telephone instruments in use. As we told you at that time, we were in the process of reviewing the need for this number of switches and we thought it might be possible to effect a reduction. Since our prior report to you, 19 of these switches have been removed, reducing the total in operation now to 77.

The total annual charge for such transmitter cutoff switches during the 1960-61 fiscal year was \$305.60.

The Bureau of the Budget has no listening-in circuits installed on telephone equipment. Likewise no charges for such circuits were recorded during fiscal 1960-61.

In response to your numbered paragraphs in your inquiry of October 23, 1961, asking specific questions or requesting specific items of information, the following data are furnished:

1. Does the agency have any regulations covering telephone monitoring and recording? As I pointed out in my earlier letter, we have no facilities for recording telephone conversations nor do we make any recording of such conversations. The Bureau of the Budget has issued, in regard to secretarial listening-in on telephone conversations, instructions which are found in Office Memorandum No. 62-42. Two copies of this office memorandum are attached for your information, in accord with your request.

2. Does the agency permit the monitoring of incoming telephone calls? My letter of January 18 explains the practices of the Bureau of the Budget.

3. How many telephone recording devices are in use? As I stated previously, no recording devices are in use in this agency to record telephone conversations.

4 and 5. These items are not applicable to the Bureau of the Budget, since we do not have any of the devices referred to in your inquiry.

You have also inquired as to my views on the committee's report and my estimate of increase in economy or efficiency attributable to the use of monitoring and recording devices.

It is my belief that devices of these types are used by Government agencies solely to improve efficiency. I am aware of no instance where they are intended for any other purpose. I would agree that where an agency uses recording devices, there should be a method to alert the other party, and I would tend to share the view that the use of such recording devices should be regulated by the agency. We have no basis for estimating a direct correlation between the use of recording and monitoring devices and gains in efficiency and economy. However, our experience in the Bureau of the Budget with the use of transmitter cutoff switches is that these devices do promote accuracy and efficiency, and that their removal would adversely affect the conservation of staff time particularly during peak periods of work.

Sincerely yours,

DAVID E. BELL, *Director*.

(Office Memorandum No. 62-42)

BUREAU OF THE BUDGET

MARCH 28, 1962.

To: Budget Bureau staff.

From: The Director.

Subject: Secretarial records of telephone conversations.

Certain of our telephones are equipped with switch devices which permit a secretary to stay on the line during the conversation.

I am satisfied that this practice is justified as a timesaver and an aid to accuracy when budget figures or legislative drafting changes are being discussed or meetings arranged.

Secretaries should of course stay on the line only when they are instructed to do so by their supervisors. Furthermore, summary notes of complete conversations should not be taken by Bureau secretaries without prior notice to the other party involved in the conversation.

CENTRAL INTELLIGENCE AGENCY

WASHINGTON

NOVEMBER 20, 1961.

HON. JOHN E. MOSS,

Chairman, Special Government Information Subcommittee of the Committee on Government Operations.

DEAR MR. MOSS: In response to your letter of October 23, 1961, this is to advise that the Central Intelligence Agency has had installed, as normal operating equipment, 174 transmitter cutoff switches at an annual rental cost of \$522. The Agency is utilizing, at the present time, 10 listening-in circuits at an annual rental cost of \$90.

In order to assist in completion of the subcommittee's initial study, you have also requested the following additional information on telephone monitoring and recording practices in this Agency.

(a) The Central Intelligence Agency does not have published regulations per se covering telephone monitoring and recording.

(b) This Agency does not prohibit the monitoring of incoming telephone calls. Such monitoring is generally for the purpose of taking of notes by secretaries to record names, addresses, dates, figures, requests for information, or, where files or other memorandums may be required for the use of the person receiving the call. Monitoring occurs in other instances where an assistant or other member of the office is being read in on a problem or activity for which he may have future responsibility. In all cases, the caller may be advised, but is not invariably informed, when notes are being taken.

(c) The Agency also has had installed three recorder connectors. The three recorder connectors are each equipped with a beeper to notify the calling party that a call is being recorded.

(d) As is indicated at (c), above, three recorder connectors have been installed in Agency facilities by the telephone company and are each equipped with a beeper signal.

(e) The annual rental for the three recorder connectors is \$72.

This Agency has found the use of the above business equipment, which is rented from the telephone company and maintained by them, well worth the monthly rental charge. It is our judgment that the use of secretaries to assist in the conduct of the business which gives rise to the given call, or in recording appropriate conversations with the utilization of such equipment, contributes to the efficiency and expeditious handling of the Agency's business.

Although there may be merit in the argument that every Government agency control telephone monitoring by clear, written regulations, as is expressed in recommendation 1 of the subcommittee's report, this Agency has found that the normal review and control of the activities of the offices utilizing such equipment is adequate.

Sincerely,

JOHN S. WARNER,
Legislative Counsel.

CIVIL AERONAUTICS BOARD

WASHINGTON

NOVEMBER 8, 1961.

Hon. JOHN E. MOSS,

Chairman, Government Information Subcommittee of the Committee on Government Operations.

DEAR MR. MOSS: This is in reply to your letter of October 23, 1961, requesting certain information concerning equipment owned or leased by the Civil Aeronautics Board and used or available for use as telephone monitoring devices.

Sixteen telephones are equipped with transmitter cutoff switches, at a rental of \$33.40 for fiscal year 1961. There are no listening-in circuits attached to CAB telephones. There is one recorder (acquired in fiscal year 1959) equipped with a beep signal, wired into a telephone circuit. It cost \$442, plus a \$5 installation charge and a \$24 annual

service charge. Three of the field offices are equipped with induction-type attachments which could be used, without being wired into telephone circuits, for recording of telephone conversations. These cost \$426.25 each and were acquired in fiscal year 1960.

Except for one transmitter cutoff switch (which is not being used and will be removed), all the equipment described above is installed in the Bureau of Safety and is used in connection with messages involving information concerning aircraft accidents where accuracy in communications is essential.

The Civil Aeronautics Board is in agreement with the recommendations made by the committee in its report of September 19, 1961, and has issued a directive to all CAB employees (copy attached) to implement said recommendations.

Sincerely yours,

ALAN S. BOYD, *Chairman.*

CIVIL AERONAUTICS BOARD

WASHINGTON

Staff Notice No. 496

NOVEMBER 7, 1961.

To: All employees.

From: Chief, Office of Administration.

Subject: Telephone monitoring.

Following a survey on telephone monitoring practices in the Federal departments and agencies, the House of Representatives Committee on Government Operations issued a report setting forth its findings, conclusions, and recommendations.

The committee recommended that all agencies issue clear written regulations banning telephone eavesdropping and requiring that, when recording devices are used or a third party is on the line for any purpose, advance notice be given to the other party. Accordingly, the following new section is added to administrative memorandum 85, subject file 6-2.

"Section 2. *Telephone monitoring.*

"01. *Telephone eavesdropping prohibited.*—No employee of the Board shall secretly listen in, secretly record, or otherwise eavesdrop on any telephone communication in the course of his employment with the Board.

"02. *Authorized telephone monitoring.*—Employees of the Board may monitor a telephone communication by listening in or by employing a recording device only when it is necessary to assure accurate and efficient transmission or reception of communications or data; Provided, that all persons participating in the telephone communication are given advance notice that the call is being monitored and of the reason therefor. Where calls are recorded, the order of November 26, 1947 of the Federal Communications Commission (12 F.R. 8442) requiring use of an automatic tone warning device must be complied with. In addition, a requirement of the Federal Communications Act (47 U.S.C. 605, 48 Stat. 1103) that the consent of the participants

to the intercepting and divulging or publishing of the communication be obtained must be satisfied.

“.03 *Monitoring devices.*—No recording or monitoring device may be used with a Board telephone except upon a finding by the Chief, Administrative Services Section, Office of Administration, that its use is consistent with the principles set forth in Section 2.02 above. The continued need for such device will be reviewed periodically by the Chief, Administrative Services Section.

“.04 *Violations.*—Any Board employee who willfully violates the provisions of this section will be subject to appropriate disciplinary action.”

Revised pages will be distributed shortly to all Manual holders.

JOHN B. RUSSELL.

COMMISSION ON CIVIL RIGHTS

WASHINGTON

NOVEMBER 14, 1961.

Hon. JOHN E. MOSS,

Chairman, Special Government Information Subcommittee of the Committee on Government Operations.

DEAR MR. MOSS: In the absence of Dr. Hannah I am replying to your letter of October 23, 1961, concerning telephone monitoring and recording practices in the Federal Government.

A thorough inventory and check with the General Services Administration which handles telephone services for the Commission has revealed a total of 11 transmitter cutoff switches on instruments assigned to this agency. These switches were evidently installed when the Commission was assigned space in this building in the spring of 1958. I have been informed that we are charged 25 cents per month per instrument for these transmitter cutoff switches. At this rate we would have paid \$33 for these switches during the 1960-61 fiscal year.

In answer to the five specific questions proposed in your letter I submit the following:

1. The agency has no rules or regulations concerning telephone monitoring and recording.

2. I occasionally ask my personal secretary to monitor certain telephone calls, usually with our Commissioners when discussions concern agency policy matters. This is done because I often have to poll all six Commissioners by long-distance call on certain issues and need accurate notes on these conversations for record purposes. In such cases the other party is informed that my secretary is monitoring the call. It is not the practice of other secretaries throughout the agency to monitor calls.

3. Questions 3, 4, and 5 are not applicable because there are no recording devices used in this agency.

I am in complete agreement with the recommendations of your subcommittee. To this end I have ordered that transmitter cutoff switches on all instruments, except that of my personal secretary, be removed immediately.

In the meantime I have asked my secretary to keep a record of requests to monitor calls in order to determine whether or not we would be justified in keeping a transmitter cutoff switch on her telephone.

Sincerely yours,

BERL I. BERNHARD,
Staff Director.

COMMISSION ON CIVIL RIGHTS

WASHINGTON

APRIL 26, 1962.

Hon. JOHN E. MOSS,
*Chairman, Special Government Information Subcommittee,
Committee on Government Operations, Washington, D.C.*

DEAR MR. MOSS: This letter will serve to notify you that all transmitter cutoff switches have been removed from agency telephones. The Commission on Civil Rights has never, to my knowledge, employed use of listening-in circuits or telephone recording devices.

Additionally, the agency has issued regulations controlling any necessary monitoring of telephone conversations. A copy of these regulations is enclosed for your information.

Sincerely yours,

BERL I. BERNHARD.

U.S. COMMISSION ON CIVIL RIGHTS

WASHINGTON, D.C.

APRIL 26, 1962.

ADMINISTRATIVE MEMORANDUM No. 26

To: The staff.

From: Howard W. Rogerson, Deputy Staff Director.

Subject: Regulations governing monitoring and recording of telephone conversations within the Commission on Civil Rights.

The following regulations shall govern the monitoring of telephone conversations within the Commission on Civil Rights:

1. *Policy.*—It is the general policy of the Commission on Civil Rights not to engage in the monitoring or recording of telephone conversations. Whenever it may be essential to the administration of this agency, any monitoring or recording of telephone conversations shall be conducted in strict compliance with the regulations prescribed hereafter in this memorandum.

2. *Use of mechanical devices.*—No mechanical devices for the monitoring or recording of telephone conversations shall be installed or used in any office of the Commission on Civil Rights without the prior approval of the Staff Director or Deputy Staff Director.

3. *Advance notice to other party.*—Whenever any employee deems it necessary to have a secretary or other third party listen to or take part in a telephone conversation for the purpose of making notes or a verbatim record of all or part of any telephone conversation, or for any other purpose, he shall give advance notice of his intention to the other party.

U.S. CIVIL SERVICE COMMISSION

WASHINGTON

NOVEMBER 1, 1961.

Hon. JOHN E. MOSS,
Chairman, Special Subcommittee on Government Operations,
House of Representatives.

DEAR MR. MOSS: This is in reply to your letter of October 23, 1961, concerning the monitoring and recording of telephone conversations in the Washington area.

We do not have any transmitter cutoff switches or any listening-in circuits installed on any of our telephone equipment and we had no expenditures for either during the 1960-61 fiscal year. Also, we do not possess any telephone recording equipment.

It has been a policy of long standing in the Commission not to use telephone monitoring or recording devices and we can see no increase in economy or efficiency in our operations through the use of such devices.

Sincerely yours,

JOHN W. MACY, Jr., *Chairman.*

DEPARTMENT OF COMMERCE

WASHINGTON

JANUARY 25, 1962.

Hon. JOHN E. MOSS,
Chairman, Special Government Information Subcommittee of the
Committee on Government Operations.

DEAR MR. MOSS: This is in further reference to your letter of October 23, 1961, concerning telephone monitoring and recording practices in the Federal Government.

The following information is submitted in answer to your specific inquiries:

Transmitter cutoff switches currently in use.....	61
Total charge for such switches in fiscal year 1961.....	\$246
Listening-in circuits currently in use ¹	14
Total charge for such circuits in fiscal year 1961.....	\$243
Recorders wired into telephone circuits ²	1
Purchase cost of recorder.....	\$375
Induction type attachments.....	None

¹ Thirteen of these devices were removed in fiscal year 1962.

² This recorder, equipped with a regular "beep" signal, is used by the Project Examination Division of the Bureau of Public Roads.

The Department will issue adequate and proper instructions for the use of these devices as well as monitoring of telephone conversations by third parties.

We have no comments on the conclusions and recommendations of the committee as set forth in House Report 1215.

Sincerely yours,

ROBERT E. GILES, *General Counsel.*

DEPARTMENT OF COMMERCE

WASHINGTON

Hon. JOHN E. MOSS,
*Chairman, Special Government Information Committee of the Gov-
ernment Operations Committee.*

DEAR MR. CHAIRMAN: With reference to our previous correspondence regarding departmental policy on the monitoring of telephone calls, Secretary Hodges has asked me to forward you the enclosed copy of his recent departmental memorandum which sets forth the policy on this matter for the Department of Commerce.

If we can be of any further assistance to your committee in connection with this subject, please let us know.

With very best wishes, I am,

Sincerely yours,

ROBERT E. GILES,
General Counsel.

THE SECRETARY OF COMMERCE

WASHINGTON

FEBRUARY 19, 1962.

MEMORANDUM

To: Secretarial officers, heads of offices, and bureaus.

From: The Secretary.

Subject: Monitoring of telephone calls.

The purpose of this memorandum is to set forth the policy of the Department of Commerce with respect to the monitoring of official telephone calls to or from Commerce officials. Monitoring, as used herein, means the recording of conversation through the use of mechanical, electronic, or other equipment or a stenographer for the purpose of producing a record of what was said.

The installation of mechanical, electronic, or other telephone recording equipment by any official in the Department, under any circumstances, must be approved in advance by the Assistance Secretary for Administration and Public Affairs. Any such devices now in use must be reported to the approving officer together with a statement justifying the use thereof.

Officials of the Department may at their individual discretion permit secretaries or other third parties to listen to telephone conversations for the purpose of recording names, dates, or other fragments of a conversation. When verbatim transcriptions of telephone conversations are made, the official involved shall give advance notice of such action to the other party to the conversation.

LUTHER H. HODGES.

OFFICE OF THE SECRETARY OF DEFENSE

WASHINGTON

Hon. JOHN E. MOSS,
*Chairman, Special Government Information Subcommittee,
Committee on Government Operations,*

DEAR MR. CHAIRMAN: This is in response to your letter of October 23 to the Secretary of Defense requesting information on the number of listening-in devices in use in staff offices and agencies under the cognizance of the Office of the Secretary of Defense.

There are presently 527 transmitting cutoff switches at an annual charge of \$1,581, three recorder connectors at an annual cost of \$72, and one listening-in circuit at a cost of \$31.80. No additional transmitter cutoff switches are being installed and steps are being taken to disconnect existing TCO's wherever possible. Our survey has indicated there are no induction-type recording attachments nor do we authorize the use of such attachments.

With regard to your request for comments on the committee's recommendations, conclusions, or analysis, DOD Directive 4640.1 of March 11, 1954, and the Secretary's memorandum of April 11, 1961, indicate that we are in full agreement that telephone monitoring should be controlled and that eavesdropping, use of recording devices, and the entrance of a third party on the line should be prohibited unless advance notice is given.

We cannot cite any specific increases in economy or efficiency in operations that can be attributed to use of monitoring and recording devices but do feel that efficiency and economy can result when there is a requirement for absolute accuracy, when information or data must be recorded for future reference and in instances during other than normal duty hours when stenographic personnel are not readily available.

Sincerely,

J. R. LOFTIS,
Administrative Assistant.

DEPARTMENT OF THE ARMY

WASHINGTON

JANUARY 10, 1962.

Hon. JOHN E. MOSS,
*Chairman, Special Government Information Subcommittee,
Committee on Government Operations.*

DEAR MR. CHAIRMAN: Reference is made to your letter of October 23, 1961, and to Mr. Samuel Archibald's letter of September 22, 1961, with respect to monitoring and recording of telephone calls within the Department of the Army. As both letters requested similar information, a consolidated reply was provided by my letter of November 20, 1961. Subsequently, Mr. Archibald asked for separate responses to these letters. Accordingly, this letter will again supply the information you requested, and a separate letter is being provided to Mr. Archibald.

Based on the survey made in response to your letter, the following is reported:

Within the Washington, D.C., area, the Department of the Army has 302 transmitted cutoff switches. The total annual charge for such switches during the 1960-61 fiscal year was \$906. There are 11 listening-in circuits installed on telephone equipment assigned to the Department of the Army in the Washington area, at a total charge during fiscal 1960-61 of \$213. In this area, the Department of the Army has 69 recorder connectors at a total annual charge during fiscal 1960-61 of \$1,632. All 69 recorder connectors are equipped with "beeper" tone-warning devices. The Department of the Army has no induction-type attachments in the Washington area.

Your letter asked that the subcommittee be provided with regulations or implementations now in force throughout the Department of the Army dealing with monitoring and recording of telephone calls. Two copies of each of the following were transmitted to the subcommittee with my letter of November 20, 1961, and therefore are not enclosed: Changes No. 4 to Special Regulations No. 105-20-3, which prescribes Department of the Army procedures for use of telephone recorder equipment in all instances; Department of the Army Circular 105-8, October 31, 1961, which prescribes instructions in Conus, Alaska, and Hawaii, regarding the monitoring of telephone conversations under control of the Department of the Army that are connected or connectable to commercial telephone switchboards, unless otherwise provided by law or regulations; Chief of Staff Memorandum CS 311.3, April 14, 1961, on the subject of monitoring of phone calls; and OSA Memorandum No. 14-93, April 14, 1961, on the subject of monitoring of telephone calls.

Your letter stated that the subcommittee would also appreciate receiving any comments on the committee's recommendations, conclusion, or analysis; specifically, an estimate of any increases in economy or efficiency in operations that can be attributed to use of monitoring and recording devices.

The Department of the Army agrees that telephone monitoring and use of recording devices should be controlled by regulations. As discussed above, the Department of the Army has implemented the April 11, 1961, memorandum of the Secretary of Defense on the subject of monitoring of telephone calls and has otherwise promulgated an Army-wide regulation on the use of recorder devices. It is pointed out that there are situations where economy and efficiency of operations are advanced by monitoring of telephone conversations or use of recorder devices in conformance with the regulations previously transmitted. In carrying out various aspects of Department of the Army operations, there are situations where it is necessary to have an accurate transcription of a particular telephone conversation. These situations usually involve intragovernmental operations rather than the transaction of business with the public. Illustrative situations are set forth below:

1. Where specific orders or directives are issued to avoid the possibility of misinterpretation or misunderstanding.
2. When it is necessary to receive by telephone complex and detailed data.

3. Where, through monitoring or recording of a conversation, subordinate personnel, including secretaries, are enabled to take specific action required without necessity of time-consuming action on the part of the executive involved in the conversation.

I trust this information will be of assistance to your subcommittee.

Sincerely,

H. A. GERHARDT,
*Major General, GS,
Chief of Legislative Liaison.*

COMMUNICATIONS

ADMINISTRATIVE PROCEDURES FOR COMMUNICATION SERVICES

CHANGES
No. 4

DEPARTMENT OF THE ARMY
WASHINGTON 25, D.C., 19 May 1954

SR 105-20-3, 15 February 1952, is changed as follows:

33. (Superseded) Telephone recorder equipment.

a. Telephone terminals connected or connectable to commercial telephone switchboards.

(1) Telephone recording devices may be authorized for use on any telephone of the Army Establishment within the United States and its possessions which is connected or connectable to commercial telephone switchboards only where there is a specific requirement for exact reproduction.

(2) The use of voice recorders operated on the induction principle is prohibited.

(3) No conversation will be recorded without the prior consent of the other party or parties to the conversation.

(4) Wherever a recorder is used, it will be equipped with a recorder connector which contains a device automatically producing a distinct warning tone which is repeated at intervals of approximately 15 seconds. Automatic tone warning devices will conform to the characteristics specified by the Federal Communications Commission.

b. Telephone terminals connected to private telephone circuits.

(1) A private telephone for these purposes is defined as one where both terminals of the circuit terminate in a telephone under the control of the Army Establishment and the telephones have no access to a commercial switchboard.

(2) Telephone recording devices may be authorized for use on Army Establishment telephone circuits, whether Government-owned or leased from a commercial company, under any of the following conditions:

(a) There is a requirement for accuracy.

(b) It is necessary to provide information or data for future reference.

(c) Stenographic personnel are not readily available.

(3) Tone warning equipment is not required to be used in connection with recording devices associated with Army Establishment private telephone circuits.

c. Authorization and provision of voice recorders.—Authorization and provision of voice recorders and connector equipment will be in accordance with SR 105-20-12.

HEADQUARTERS, DEPARTMENT OF THE ARMY

WASHINGTON, D.C.

31 OCTOBER 1961.

Circular No. 105-8

Effective until 31 October 1962 unless sooner rescinded or superseded

COMMUNICATIONS

MONITORING TELEPHONE CONVERSATIONS

1. The following instructions are prescribed in CONUS, Alaska and Hawaii regarding the monitoring of telephone conversations on administrative telephones under control of the Department of the Army that are connected or connectable to commercial telephone switchboards, unless otherwise provided by law or regulations:

a. Conversations will not be monitored by stenographic or other personnel except in special cases when monitoring of a specific telephone conversation is requested by one of the parties to the call; however, the conversation will not be monitored without the other party or parties to the conversation being made aware that the call is being monitored.

b. All secretarial personnel will be informed that no telephone conversations will be monitored without specific, affirmative instructions for each specific telephone call.

c. Conference telephone calls among more than two parties are permissible with the consent of all parties concerned.

2. The use of telephone recorder equipment within the Department of the Army is covered by Changes No. 4 (19 May 1954) to SR 105-20-3 (15 Feb 1952).

3. The provisions of this circular are not applicable to fire and guard reporting, vehicular and aviation dispatching and control, emergencies, and similar special services, nor to the use of service observing equipment in telephone control offices.

DEPARTMENT OF THE ARMY

OFFICE OF THE CHIEF OF STAFF

WASHINGTON, D.C.

14 APRIL 1961.

CS 311.3 (14 April 61).

Memorandum for: Deputy Chiefs of Staff.
Comptroller of the Army.
Chief of Research and Development.
Assistant Chiefs of Staff.
The Judge Advocate General.
The Inspector General.
Chief, National Guard Bureau.
Chief of Information.

Subject: Monitoring of phone calls.

1. Following is an extract of a memorandum, dated 11 April 1961, signed by the Secretary of Defense.

"Pursuant to verbal instructions at the 30 January 1961 staff meeting, it is again emphasized that there must be no regular monitoring of telephone calls. In exceptional cases, where monitoring of a specific telephone call is requested by one of the parties, the other party or parties to the conversation must be made aware that the call is being monitored.

"All secretarial personnel must be informed that no calls will be monitored without explicit, affirmative instructions for each specific call."

2. It is requested that addressees take the necessary action to insure strict compliance with the foregoing instructions by members of their offices.

BY DIRECTION OF THE CHIEF OF STAFF:

J. L. THROCKMORTON,
*Major General, GS,
Secretary of the General Staff.*

DEPARTMENT OF THE ARMY
OFFICE, SECRETARY OF THE ARMY
WASHINGTON, D.C.

14 APRIL 1961.

OSA office memorandum No. 14-93—Temporary instructions and information.

MONITORING OF TELEPHONE

1. The Secretary of Defense has issued the following policy to all elements of the Department of Defense.

2. Effective immediately, there will be no regular monitoring of telephone calls. In exceptional cases, where monitoring of a specific telephone call is requested by one of the parties, the other party or parties to the conversation must be made aware that the call is being monitored.

3. *All secretarial personnel must be informed that no calls will be monitored without explicit, affirmative instructions for each specific call.*

4. This policy is applicable Army-wide and will be published and disseminated in appropriate DA media in the near future. In the interim, this policy should be brought to the attention of all personnel.

FOR THE ADMINISTRATIVE ASSISTANT:

R. M. YINGLING,
*Assistant for Management,
Office, Secretary of the Army.*

DEPARTMENT OF THE ARMY

WASHINGTON

MARCH, 30, 1962.

Hon. JOHN E. MOSS,
*Chairman, Special Government Information Subcommittee,
Committee on Government Operations.*

DEAR MR. CHAIRMAN: This is in response to a telephonic request of March 22, 1962, from Mr. Samuel Archibald, Staff Administrator, for amplification of information provided by my letter of January 10, 1962, to you. Specifically, Mr. Archibald has inquired as to the number and original cost of recorders possessed by the Department of the Army in the Washington, D.C., area.

Based on a survey made in response to this request, it is reported that the Department of the Army possess 70 recorders in the Washington, D.C., area, and that these recorders were purchased at an estimated total cost on the order of \$49,000. In addition the following correction should be made in the information previously provided: In this area, the Department of the Army has 70 recorder connectors at a total annual charge during fiscal 1960-61 of \$1,680, rather than 69 at a total annual charge of \$1,632. All 70 recorders are equipped with recorder connectors, which are "beeper" tonewarning devices.

I trust this information will be of assistance to your subcommittee.

Sincerely,

FRED C. WEYAND,
*Brigadier General GS,
Deputy Chief of Legislative Liaison
(For and in the absence of H. A. Gerhardt,
Major General, GS, Chief of Legislative Liaison).*

DEPARTMENT OF THE NAVY

WASHINGTON

NOVEMBER 22, 1961.

Hon. JOHN E. MOSS,
*Chairman, Special Government Information Subcommittee,
Committee on Government Operations.*

MY DEAR MR. CHAIRMAN: This is in response to your letter of October 23, 1961, which requested information on telephone monitoring and the use of telephone recording devices in the Navy Department.

A review of the defense telephone service records reveals that the Navy Department, including the Marine Corps, is currently using the following telephone monitoring or recording devices in the Washington, D.C., area:

Type of equipment	Number of items	Monthly charge per unit	Total yearly charge, fiscal year 1960-61 ¹
Transmitter cutoff switches.....	137	\$0.25	\$411
Listening-in circuits.....	11	.75	99
Recorders wired into phone equipment.....	24	2.00	576
Total, annual equipment cost (fiscal 1960-61) ¹			558

¹ Based on equipment in use July 1961.

The use of induction-type recording devices are specifically prohibited, and to the best of our knowledge, no such devices exist. The 24 recorders listed have an estimated initial cost of \$7,500 and all operate with a beep warning signal.

Navy policy on the use of telephone recording equipment and telephone monitoring is contained in SECNAV Instruction 2305.2 of June 1, 1954, and SECNAV Instruction 2305.10 of April 13, 1961. Two copies of each instruction are attached for your review. In general, telephone monitoring and recording are permitted in the Navy only where there is a bona fide need, and only where all parties are first made aware that the conversation will be recorded or monitored. The only exception is where all terminals of the circuit are under the control of the Department of Defense and none of the telephones have access to commercial switchboards.

The Navy generally concurs with the recommendations and conclusions set forth in your committee's report and specifically in that there is no justification for unannounced telephone eavesdropping. There are, however, certain instances when a need exists to have a third party or a machine record of detailed data from a telephone conversation. For example, there are instances when an important detailed operational message is received during hours when no stenographic assistance is available. There are also cases of long-distance telephone calls, when connections are often weak to begin with, where the addition of a third party on the line would decrease the volume so that none of the parties can properly hear each other. When this is the case, a listening-in device fulfills a practical need. There are no specific estimates of savings in terms of time and money in these cases.

In summary, the Navy recognizes the beneficial uses of listening-in and recording devices, but it has been, and continues to be, well aware of the abuses which may result. In an effort to eliminate such possible abuses, the Navy plans to institute an annual review of the need for these devices and to insure that policies concerning them are properly carried out.

Sincerely yours,

JOHN B. CONNALLY,
Secretary of the Navy.

SECNAV INSTRUCTION 2305.2—1 JUNE, 1954

From: Secretary of the Navy.

To: All ships and stations.

Subject: Telephone recording devices; provision and employment of

1. *Purpose.* The purpose of this Instruction is to promulgate to the Naval Establishment the Department of Defense policy concerning the authorization and use of recording devices to record telephone conversations.

2. *Cancellation.* SECNAV Instruction 2850.2 of 6 July 1953 is canceled and superseded by this Instruction.

3. *Policy.* The general policy of the Department of Defense is as follows:

a. Telephone terminals connected or connectible to commercial telephone switchboards:

(1) Telephone recording devices may be authorized for use on any Department of Defense telephone located within the United States and its possessions which is connected or connectible to commercial telephone switchboards only where there is a specific requirement for exact reproduction.

(2) No induction-type recording device may be used.

(3) No conversation will be recorded without the prior consent of the other party or parties to the conversation.

(4) Wherever a recorder is used, it will be equipped with a recorder connector which contains a device automatically producing a distinct warning tone which is repeated at intervals of approximately 15 seconds.

b. Telephone terminals connected to private telephone circuits:

(1) A private telephone circuit for these purposes is defined as one where both terminals of the circuit terminate in a telephone under the control of the Department of Defense and the telephones have no access to a commercial switchboard.

(2) Telephone recording devices may be authorized for use on Department of Defense private telephone circuits, whether Government owned or leased from a commercial company, under any of the following conditions:

(a) There is a requirement for accuracy.

(b) It is necessary to provide information or data for future reference.

(c) Stenographic personnel are not readily available.

(3) Tone-warning equipment is not required to be used in connection with recording devices associated with Department of Defense private telephone circuits.

4. *Scope of Policy.* This policy applies with respect to all telephones of the Naval Establishment located within the United States or its possessions.

5. *Implementation.* The Chief of Naval Operations shall be responsible for implementation of this policy and for the issuance of supplementary directives as required. All addresses are responsible for compliance with this policy by the users of telephones of the Naval Establishment under their cognizance, whether leased or Government owned. Automatic tone-warning devices shall conform to the characteristics specified by the Federal Communications Commission.

C. S. THOMAS.

SECNAV INSTRUCTION 2305.10—13 APRIL, 1961

From: Secretary of the Navy.

To: All Ships and Stations.

Subject: Monitoring of telephone calls.

Reference: (a) SECNAVINST 2305.2 of 1 June 1964, Subject: Telephone recording devices; provision and employment of

1. *Purpose.* To disseminate Department of Defense policy on the monitoring of telephone calls. Concurrent attention is called to reference (a), an allied subject.

2. *Policy*

a. There will be no regular monitoring of telephone calls.

b. If, in exceptional cases, the monitoring of a specific telephone call is considered necessary and requested by one of the parties, the other party or parties to the conversation will be made aware that the call is being monitored.

c. All secretarial personnel will be informed that no calls will be monitored without explicit, affirmative instructions for each specific call.

JOHN H. DILLON,
*Administrative Assistant to the
Secretary of the Navy.*

DEPARTMENT OF THE AIR FORCE

WASHINGTON

DECEMBER 6, 1961.

HON. JOHN E. MOSS,
Chairman, Special Subcommittee on Government Information, Committee on Government Operations.

DEAR MR. CHAIRMAN: This is in response to your letter, which we acknowledged October 24, 1961, requesting information relating to the number of telephone-monitoring devices used by the Department of the Air Force in the Washington area. Your letter also asked for copies of the pertinent directives and regulations dealing with monitoring telephone calls as well as any comments on the committee's recommendations, as embodied in House Report 1215, dated September 19, 1961. We are pleased to furnish you the requested information.

A careful survey of this matter reveals that we have no listening-in circuits installed on telephone equipment assigned to us. Nor do we have any induction-type attachments that can be used to record telephone conversations on dictating machines without being wired into the circuit. Air Force directives specifically prohibit the use of such induction-type attachments. These directives are Air Force Manual 100-13, Communications-Electronics Policy (p. 13-37); Air Force Manual 100-16, Utilization of United States Air Force Communications Services (pp. 16-11 and 16-12); and Air Force Manual 100-22, Commercial Communications Services (pp. 22-15 and 22-16); copies of which are inclosed.

At Headquarters, United States Air Force, there are 343 transmitter cutoff switches which are rented from the Chesapeake & Po-

Potomac Telephone Co. at an annual total cost of \$1,029. In this regard, a memorandum from the Secretary of Defense, dated April 11, 1961, governing the monitoring of telephone calls has been disseminated within the Air Force for implementation. A copy of this directive is attached and its substance will be reflected in a formal amendment to Air Force Manual 100-22.

Also, there are 32 small, stenographic-type recorders of varying design, obtained over the years at different prices. The aggregate cost of these is estimated to be \$11,520. To use these recorders on exchange service telephone lines it is necessary to attach tone-warning or "beeper" devices, which were obtained from the local communications company at an annual rental charge of \$768. At Andrews Air Force Base there are nine Government-owned recorders of a similar type, but with built-in tone-warning devices. The estimated purchase price of this equipment is \$3,600. The use of the recorders is controlled by the Air Force directives referred to above.

In the Command Post telephone recorders are available primarily for use on direct lines to key Air Force installations. However, on occasion and under special circumstances, these recorders, which do not have tone-warning signals, are used on tactical calls passing through the commercial exchange system, as, for example, when an aircraft accident is being reported, or when the security and protection of facilities may be involved. At this location there are 14 large-capacity recorders, 5 of which are leased from the Chesapeake & Potomac Telephone Co. at an annual cost of \$6,600, and 9 Government-owned recorders which cost \$13,000.

Except for the items referred to above, there are no other types of instruments or devices used to monitor telephone conversations.

The Department of the Air Force wholeheartedly supports the committee's recommendations and, as indicated above, has issued a number of regulations and directives dealing with the use of telephone-monitoring equipment.

The Air Force does derive benefits from its limited use of monitoring devices in terms of time saved, accuracy, and operational effectiveness; however, these increases in economy and efficiency are difficult to measure accurately because of their intangible nature.

It is hoped this information will be useful. If we may be of further assistance, please let me know.

Sincerely,

THOMAS C. MUSGRAVE, Jr.,
Major General, USAF,
Director, Legislative Liaison.

COMMUNICATIONS-ELECTRONICS POLICY

AFM 100-13

1 July 1959

* * * * *

24 Telephone Recording Devices.

a. Telephone Terminals Connected or Connectable to Commercial Telephone Switchboards.

(1) Telephone recording devices may be used if there is a specific requirement for exact reproduction of telephone conversations.

- (a) Induction-type recording devices may not be used.
- (b) Prior consent of other party must be obtained before re-
cording.
- (2) A distinct warning tone repeated about every 15 seconds must be
used when a recording device is employed.
- b. *Telephone Terminals Connected to Private Telephone Circuits.*
- (1) Telephone recording devices may be authorized for use on
Department of Defense private telephone circuits if:
 - (a) There is a requirement for accurate recording of telephone
conversations.
 - (b) It is necessary to provide information or data for future
reference.
 - (c) Stenographic personnel are not readily available.
- (2) Tone warning equipment is not required on private telephone
circuits.

UTILIZATION OF USAF COMMUNICATIONS SERVICES

AFM 100-16

1 February 1960

* * * * *

c. *Confidential Nature of Telephone Switchboard Operations.*—On
certain types of switchboards, operators are required to listen in on a
connection from time to time in order to supervise, but they must not
listen for any other purpose. The unauthorized disclosure or other
improper use of information gained in the course of his duties renders
the operator liable to disciplinary action.

* * * * *

4. *Use of Telephone Recording and Tone Warning Devices.*—The
use of recording devices is authorized for intrastate, interstate, and
foreign message toll service as follows:

a. *Telephone Terminals Connected or Connectable to Commercial
Telephone Switchboards.*

(1) When there is a specific requirement for exact reproduction,
telephone recording devices may be authorized for use on any Air
Force telephone located within the U.S. and its possessions, which is
connected or connectable to commercial telephone switchboards.

(2) An induction-type recording device will not be used.

(3) A conversation will not be recorded without the prior consent
of the other party or parties to the conversation.

(4) Wherever a recorder is used, it will be equipped with a recorder
connector which contains a device automatically producing a distinct
warning tone which is repeated at intervals of approximately 15
seconds.

b. *Telephone Terminals Connected to Private Telephone Circuits.*—
For the purpose of this manual, a private telephone circuit is one
where both terminals of the circuit terminate in a telephone under
the control of the Air Force and the telephone terminals are not
connectable to commercial telephone switchboards.

(1) Telephone recording devices may be authorized for use on Air Force private telephone circuits, whether Government-owned or leased from a commercial company, under any of the following conditions:

- (a) There is a requirement for accuracy.
- (b) It is necessary to provide information or data for future reference.
- (c) Stenographic personnel are not readily available to record conversations by means of extension stations.

(2) Tone warning equipment is not required to be used in connection with recording devices associated with Air Force private telephone circuits. However, if tone warning equipment is not used, prior consent of the other party or parties to the conversation must be obtained before recording such conversation.

COMMERCIAL COMMUNICATIONS SERVICES

AFM 100-22

1 January 1960

* * * * *

.10 Recording Telephone Conversations.

a. *General.*—Recording devices are available by means of which telephone conversations can be recorded. They can be used in connection with any cord type PBX or with any individual telephone instrument. Their use is authorized for intrastate, interstate, and foreign telephone service, and for private lines, at any points within the ConUS.

b. *Prerequisites to the Use of Voice Recorders.*—Voice recorders may be used when any of the following conditions apply:

- (1) There is a specific requirement for an exact reproduction of a conversation.
- (2) It is necessary to have information or data given over the telephone available for future reference.
- (3) Stenographic personnel are not readily available to record telephone conversations by means of extension stations.

c. *Conditions to be Met When Employing Voice Recorders.*

(1) On local or toll telephone service or on private lines which are connectable to such service, the voice recorders must be connected to the line through a connecting device which will produce a distinctive tone at regular intervals to indicate that the conversation is being recorded.

The connecting device may be obtained from the telephone company.

(2) If the tone warning device is not used as may be the case on private lines not connectable to local or toll telephone service, prior consent of the other party or parties to the conversation must be obtained before recording the conversation.

(3) No recording device shall be used unless, at the will of the user, it can be physically connected to or disconnected from the telephone line, or switched ON and OFF.

(4) An inductive type of voice recorder will not be used.

(5) The use of voice recorders for technical surveillance of personnel must be approved in each instance by the Inspector General, Headquarters, USAF.

d. *Procurement.*—Voice recorders cannot be leased from the telephone companies. They are obtainable from various suppliers through regular procurement procedures. Supply of tone warning devices for installations served by Government-owned telephone facilities will be handled in accordance with paragraph 11, Section 5, Volume II, AFM 67-1.

e. *Use of Voice Recorders Outside the ConUS.*—The use of voice recorders outside the ConUS will be governed by the tele-communications regulations of the state concerned or, in time of war, by theater command or military government instructions.

AIR FORCE MESSAGE IMPLEMENTING DOD TELEPHONE MONITORING
ORDERS

DECEMBER 22, 1961.

Current directives provide for the use of a tone warning device (sometimes referred to as a "beeper") when recorders are connected to commercial telephone lines. It is generally known that another device, the telephone cutoff switch, for steno monitoring of telephone calls is in use. The Secretary of Defense has emphasized that there must be no regular monitoring of telephone calls. However, in exceptional cases, where monitoring of a specific telephone call is requested by one of the parties, then the other party or parties to the conversation must be made aware that the call is being monitored. Further emphasis is placed on a requirement that all secretarial personnel must be informed that no calls will be monitored without explicit, affirmative instructions from the calling or called party on each specific call. All commands will take necessary action and precaution to insure that any monitoring device now available or which may become available is used strictly within the foregoing policy expressed by the Secretary of Defense. Arrangements are being made to have Air Force Manuals 100-13, 100-16, and 100-20 revised to include this policy.

DISTRICT OF COLUMBIA

WASHINGTON

NOVEMBER 15, 1961.

Hon. JOHN E. MOSS,
House of Representatives,
Congress of the United States.

DEAR MR. MOSS: This is in further reference to my letter of October 30, 1961, and yours of October 23. As you requested, I have had a detailed survey made of the number of listening-in devices and the cost thereof to the District government and can now furnish you with the following information:

Number of transmitter cutoff switches in use on telephones assigned to this agency: None.

Total annual charge for such switches during the 1960-61 fiscal year: No cost.

Number of listening-in circuits installed on telephone equipment: None.

Total annual charge for such listening-in circuits during the 1960-61: None.

Number of recorders wired into telephone circuits: Three dictaphone machines wired into telephone service. One on each side of a two-position switchboard (these machines are manually operated by the telephone operator to record emergency calls of fire, accidents, etc.). The third recording machine is wired into the Emergency Ambulance Service telephone and is automatically operated whenever the telephone is used.

Number of induction-type attachments that can be used to record telephone conversations on dictation machines without being wired into the circuit: None.

Number of other types of instruments used to monitor or record telephone conversations: None.

Which of these devices are equipped with "beeper" warning signals: None.

The best available estimate of the cost of these recorders and attachments: In 1947 acquired four recorders at a cost of \$925 each; in 1954 one recorder at a cost of \$400.

I hope that this information will be helpful to you. Should you have any further questions, please let me hear from you.

Sincerely yours,

WALTER N. TOBRINER,
*President, Board of Commissioners,
District of Columbia.*

DISTRICT OF COLUMBIA

WASHINGTON

MARCH 27, 1962.

Hon. JOHN E. MOSS,
*Chairman, Special Government Information Subcommittee of the
Committee on Government Operations.*

DEAR MR. MOSS: This will confirm the telephone conversation between my office and your Mr. Archibald this morning as to whether or not the District government uses "beeper" warning signals.

In my letter of November 15, 1961, it was stated that the District government has three recorders wired into telephone circuits—two to record emergency requests for fire or accident assistance and the other for emergency ambulance service. All three of these units are equipped with "beeper" warning signals.

I should also like to confirm the fact that the unit heretofore installed at the District of Columbia General Hospital for taking and authenticating orders for medical prescriptions has been discontinued.

Sincerely yours,

WALTER N. TOBRINER,
*President, Board of Commissioners,
District of Columbia.*

OFFICE OF EMERGENCY PLANNING

WASHINGTON

NOVEMBER 14, 1961.

Hon. JOHN E. MOSS,
House of Representatives.

DEAR MR. MOSS: Submitted herewith is our reply to questions, in order presented in your letter of October 23, 1961.

(1) There are presently 111 transmitter cutoff switches in use on telephones at an approximate annual cost of \$333.

(2) There is presently one listening-in circuit installed on telephone equipment at an approximate annual cost of \$9.

(3) There is no one policy document as such covering monitoring or recording of telephone calls. However, through announcement and memo-type directives, this office pursues the policy that verbatim stenographic transcription or electronic recording is permitted only where such recording is absolutely essential for expediency and accuracy. Such transcription is to be preceded with an understanding of agreement by both parties.

(4) This Office presently has installed one dictator-recording machine equipped with "beeper." In addition, the user verbally notifies the other party that the call is being recorded.

(5) The aforementioned device is wired into the telephone circuit at an annual cost of \$24. We have no induction-type attachments that can be used to record without being wired into the telephone circuit or which deprive the caller of a warning signal.

This Office feels that present subject equipment is necessary. Verbatim transcription has afforded proficiency at negligible cost. An example is cited where personnel in surveying disasters are able to relate statistical and essential information by telephone and receive immediate action. Therefore, in effect, the transmitter cutoffs take the place of more costly equipment such as portable recorders.

The listening-in circuit affords an even level of transmission. This type of installation as you will note, has been kept to a bare minimum.

By virtue of the nature of this organization, recording devices are invaluable because they permit an exact record of information which requires accuracy for subsequent action and reference.

We are in full accord with recommendations made by the committee and are continuing to survey our need in this type of capability.

We trust that the information contained herein will be of some assistance to your committee.

Sincerely,

FRANK B. ELLIS, *Director.*

OFFICE OF EMERGENCY PLANNING

WASHINGTON

June 7, 1962

Administrative Order No. 41

MONITORING TELEPHONE CONVERSATIONS

1. *Purpose*

This order prescribes the policy and rules governing the monitoring of telephone conversations in OEP.

2. *Policy*

It is the policy of the Office of Emergency Planning that telephone calls to or from the Agency not be monitored by or for OEP officials. "Monitoring" as used herein means recording the conversation through the use of mechanical equipment or a stenographer for the purpose of producing a verbatim record of what was said. However, officials may continue to have their secretaries take notes of telephone calls for the purpose of setting up appointments and meetings, obtaining documents or other information needed during the calls, and recording dates, names or similar material.

3. *Exceptions*

If both parties to the conversation agree that a verbatim record of all or portions of the conversation are necessary, an exception to this policy shall be made only if the following conditions are met:

a. Any mechanical recording device shall be used only through a recorder connection to the telephone which produces a distinctive tone or warning signal at approximately 15 second intervals while the recorder is in use.

b. The OEP employee has orally informed the other participant that a verbatim record of the conversation is being made by methods other than a recording device.

4. *Requests for Recording Devices*

Requests for the installation of recording devices shall be submitted with a complete justification as to the need and use to be made of such devices to the Director of Administration.

5. *Effective Date*

This Order is effective the date of issuance.

EDWARD A. McDERMOTT, *Director*.

EXPORT-IMPORT BANK OF WASHINGTON

NOVEMBER 7, 1961.

Hon. JOHN E. MOSS,

Chairman, Special Government Information Subcommittee of the Committee on Government Operations.

DEAR MR. MOSS: This is in reply to your letter of October 23, 1961, requesting information in regard to certain telephone equipment and telephone monitoring practices in the Export-Import Bank.

1. There are 57 transmitter cutoff switches in use on telephones for which the fiscal year 1961 charge was \$171.

2. There are no listening-in circuits on any of our telephone equipment.

3. I have issued a regulation on the monitoring of telephone calls, two copies of which are enclosed.

4. Bank officials may have their secretaries take notes during a telephone conversation of such items as names, dates, places, figures, and references to letters and loan applications to assist in the preparation of a memorandum of conversation for the file or in taking such action as may be required as a result of the call. This practice does not include making a complete verbatim or partial transcript of a conversation, nor monitoring the conversation.

5. There are no electronic devices used by this agency to monitor incoming telephone calls.

If any further information is desired on this matter please let me know.

Sincerely yours,

HAROLD F. LINDER,
President.

EXPORT-IMPORT BANK OF WASHINGTON

OCTOBER 31, 1961.

Staff Memorandum No. 15.

Subject: Monitoring of telephone calls.

1. It is the policy of the Export-Import Bank that no telephone calls to or from the Bank be monitored by or for Bank officials. "Monitoring," as used here, means recording the conversation through the use of mechanical equipment or a stenographer for the purpose of producing a verbatim record of what was said.

2. Officials of the Bank shall have individual discretion as to whether they will permit secretaries to listen and record names, dates, summaries, or similar material, but verbatim transcriptions of telephone conversations shall be made only when both parties to the conversation agree that this is necessary.

3. No need is apparent for the use of mechanical or electronic telephone recording equipment by any official of the Bank and therefore the use of any such equipment shall be subject to the prior approval of the President of the Bank.

HAROLD F. LINDER,
President and Chairman.

FARM CREDIT ADMINISTRATION

WASHINGTON

DECEMBER 1, 1961.

HON. JOHN E. MOSS,
Chairman, Special Government Information Subcommittee, Committee on Government Operations.

DEAR CHAIRMAN MOSS: Your letter of October 23, 1961, requests certain information concerning telephone-monitoring practices which we shall try to give you in the order in which it is asked for in your letter.

During fiscal 1960-61 we had three transmitter cutoff switches at a total cost of \$9 and six listening-in circuits at a total cost of \$54. These and other costs of the Farm Credit Administration are paid for out of assessments against the banks which are under our supervision.

1. We do not use or intend to acquire telephone recording devices and heretofore have not had occasion to issue rules or regulations as to recording or monitoring of telephone conversations. Since receipt of your letter, though, a statement of policy has been drawn up and two copies of it are enclosed.

2. Monitoring of incoming telephone calls is permitted in the sense that secretaries for our officials generally listen in from their own extension to note or supply information to further the purpose of a telephone call. Officers of the banks under our supervision and others with whom we frequently have telephone conversations generally know that a secretary is or may be on the line.

3, 4, 5. Telephone recording devices are not used to monitor or record incoming telephone calls.

On most telephone calls it is considered an advantage to have a secretary make the notes and supply relevant files or other information on the subject of the call. Usually this permits the call to be more satisfactory and of shorter duration than if the official undertook to do those things for himself. Our thought is that any confidence of the other party can be respected no less if a secretary listens in than if it is heard by only the official. This matter has been reviewed among our officials and, as set forth in the enclosed statement of policy, it is being left to their individual discretion as to whether they will permit secretaries to listen and record pertinent information, but with the understanding that verbatim transcriptions of telephone conversations shall be made only when both parties to the conversation agree that it is desirable.

Very truly yours,

R. B. TOOTELL, *Governor.*

STATEMENT OF POLICY

It is the policy of the Farm Credit Administration that no telephone calls to or from the Farm Credit Administration offices be monitored by or for Administration officials. "Monitoring," as used here, means recording the conversation through the use of mechanical equipment or a stenographer for purpose of producing a verbatim record of what was said. Officials of the Farm Credit Administration shall have individual discretion as to whether they will permit secretaries to listen and record names, dates, summaries, or similar material, but verbatim transcriptions of telephone conversations shall be made only when both parties to the conversation agree that this is desirable. Such transcriptions are to be considered as an exception to normal procedure.

FEDERAL AVIATION AGENCY

WASHINGTON

NOVEMBER 27, 1961.

Hon. JOHN E. MOSS,

Chairman, Special Government Information Subcommittee of the Committee on Government Operations.

DEAR MR. CHAIRMAN: The Federal Aviation Agency uses a limited number of telephone monitoring and recording devices where they make a clear contribution to more efficient operations.

The Administrator does not use telephone recording devices, nor do other top officials in the Agency, except those in the Flight Standards Service who are responsible for air safety. These recorders are used in areas where they contribute directly to our responsibility for assuring air safety. This would include accident investigations, where we need fast, accurate recording of information, as well as our near-collision reporting program and our enforcement efforts. These recorders are used occasionally for recording internal FAA conversations on complex air safety and engineering matters where precise data are required, but are never used for recording outside calls except in connection with accident reporting.

We have 12 recording machines wired into telephone circuits by recorder connectors, and each of these machines has beeper wiring signals. The recording units cost approximately \$450 each, including the connectors. The beeper signal attachments are rented from the telephone company at a monthly cost of \$2 each.

This Agency does not use any induction-type attachments for recording telephone conversations without being wired into the circuit, nor does it use any other types of recording or monitoring equipment not described here.

There are 48 telephone transmitter cutoff switches used in the FAA Washington office. Annual rental for the fiscal year 1961 was \$104.20. The switches are used for conference calls involving as many as four persons on one line to keep conversation from becoming inaudible.

The switches also are used when a secretary must take down information which will be made a matter of record. Our firm policy is to inform the person at the other end of the line that the conversation is being recorded.

Increased efficiency fully justifies the equipment we have. We do not anticipate any increase in the number of devices we presently use.

If we can help you further in your survey, please call on us.

Sincerely,

D. D. THOMAS,
Acting Administrator.

FEDERAL AVIATION AGENCY

WASHINGTON

MARCH 27, 1962.

Hon. JOHN E. MOSS,
*Chairman, Special Government Information Subcommittee of the
Committee on Government Operations.*

DEAR MR. CHAIRMAN: Reference is made to the Federal Aviation Agency's response on November 27, 1961, to your inquiry concerning telephone monitoring and recording devices.

A member of your staff requested clarification of our response with respect to "listening-in circuits." Our letter did not specifically mention listening-in circuits but stated that the Agency does not "use any other types of recording or monitoring equipment not described here." This was intended to include listening-in circuits, since we do not use such circuits.

If we can be of further help to you, please do not hesitate to call on us.

Sincerely,

JOHN R. PROVAN,
Director of Management Services.

FEDERAL COAL MINE SAFETY BOARD OF REVIEW

WASHINGTON

NOVEMBER 8, 1961.

Hon. JOHN E. MOSS,
*Chairman, Special Government Information Subcommittee of the
Committee on Government Operations.*

DEAR MR. MOSS: This is in reply to your letter of October 23, 1961, relative to monitoring of telephone calls.

Our agency has three transmitter cutoff switches for which the total charge during the 1960-61 fiscal year was \$5.40. It does not have any listening-in circuits installed in telephone equipment assigned to it.

The numbered questions in your letter are answered as follows:

1. Our agency does not have rules or regulations covering monitoring or recording.
2. Monitoring is not done in our agency. Occasionally a secretary is requested to take dictation, relating to dates, addresses, and other details, from the person on the other end of the conversation. In these instances the outside party is made fully aware of the procedure being used.
3. Telephone recording devices are not used by our agency.
4. Covered by answer to question 3.
5. Covered by answer to question 3.

If we can be of further assistance to you, please do not hesitate to call on us.

Sincerely yours,

EDWARD STEIDLE,
Chairman of the Board.

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON

NOVEMBER 3, 1961.

Hon. JOHN E. MOSS,
*Chairman, Subcommittee on Government Information,
House of Representatives.*

DEAR CONGRESSMAN MOSS: This is in reply to your letter of October 23, 1961, concerning the subject of telephone monitoring. Specifically, you have requested to be advised whether the Commission has any instruments in the Washington area that could be used to monitor or record telephone conversations and what steps, if any, have been taken to establish a monitoring policy in the light of the recommendations in House Report No. 1215 of September 19, 1961.

The Commission has no transmitter cutoff switches in use on any telephones and no charges for such equipment were incurred during the 1960-61 fiscal year. Similarly, no listening-in circuits are installed and no charges were incurred for this type of equipment.

The Commission has neither leased nor purchased any telephone recording equipment and, accordingly, has no recorders wired into telephone circuits nor any induction-type attachments that can be used to record telephone conversations on dictation machines without being wired into the circuit.

You further inquire whether we have "any other types of instruments that could be used to monitor or record telephone conversations." Most dictation machines commonly in use in Government or business offices could be put to this use, but we assume that you do not mean to include this type of equipment within the scope of your inquiry.

As to the steps taken to formulate a clear policy with respect to monitoring, I am enclosing two copies of Administrative Order No. 12 which was adopted by the Commission at its meeting on October 25, 1961. The policy therein stated was framed in the light of the Committee's recommendations contained in House Report No. 1215.

In view of this action, it is self-evident that the Commission concurs in the recommendations of the committee. Inasmuch as the Commission has no monitoring or recording devices, we are unable to provide any estimate as to any increases in economy or efficiency in operations through their use.

We are pleased to furnish this information and if the Commission can be of further assistance to the committee, please do not hesitate to call on us.

Sincerely yours,

NEWTON N. MINOW, *Chairman.*

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON

ADMINISTRATIVE ORDER No. 12

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of October 1961:

The Commission has under consideration the question of telephone monitoring without prior notification to the other party. It appears

that the Commission has never had a policy which permitted such monitoring of telephone communications; however, a policy expressly prohibiting such monitoring has not heretofore been formalized in an administrative order or directive. In view of the foregoing and in order that the policy with respect thereto shall be made explicit—

It is ordered, pursuant to section 4 (i) and (j) of the Communications Act of 1934, as amended, that:

1. Telephone communications by or to officials and employees of this agency shall not be monitored by Commission personnel without prior notification to the other party.

2. No electronic, mechanical, or any other listening device shall be used in the Commission for the purpose of monitoring or interception of telephone conversations without the knowledge of both parties and the use of the recognizable repetitive beep tone during such recording as required by the Commission's Report in the Matter of Use of Recording Devices in Connection With Telephone Service, Docket No. 6787, dated March 24, 1947.

It is further ordered that this order shall become effective immediately.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE, *Acting Secretary*.

FEDERAL DEPOSIT INSURANCE CORPORATION

WASHINGTON

NOVEMBER 22, 1961.

Hon. JOHN E. MOSS,
*Chairman, Special Government Information Subcommittee,
Committee on Government Operations.*

DEAR MR. CHAIRMAN: Receipt is acknowledged of your letter of October 23, 1961, inquiring about regulations and controls adopted by the Corporation and covering the monitoring of telephone calls.

In answer to your question concerning the number and types of telephone monitoring or listening devices used, purchased, or leased by the Corporation, you are advised that the Corporation does not monitor incoming telephone calls, and, therefore, it does not have, nor does it use, any monitoring or recording devices, transmitter cutoff switches, or listening-in circuits on any of its telephone equipment. Inasmuch as no such equipment is used by the Corporation we are unable to make an estimate of any increase in economy or efficiency in operations that can be attributed to use of monitoring and recording devices.

House Report No. 1215 of the 87th Congress, 1st session, which accompanied your letter contains the following recommendations:

"1. Every Government agency should control telephone monitoring by clear, written regulations.

"2. The regulations should ban telephone eavesdropping.

"3. The regulations should ban use of recording devices unless there is advance notice to the other party.

"4. The regulations should clearly specify that advance notice must be given whenever a secretary or any other person is placed on the line for any purpose whatsoever."

Enclosed herewith are two copies of a memorandum to all officials and employees of the Corporation concerning telephone monitoring or listening practices which is believed to be in accord with the committee's recommendations.

Sincerely yours,

ERLE COCKE, Sr., *Chairman.*

FEDERAL DEPOSIT INSURANCE CORPORATION

WASHINGTON

NOVEMBER 22, 1961.

MEMORANDUM TO ALL OFFICIALS AND EMPLOYEES OF FEDERAL DEPOSIT
INSURANCE CORPORATION RE MONITORING OF TELEPHONE CALLS

It is the policy of the Corporation that no telephone calls to or from the Corporation's offices be monitored by or for Corporation officials or employees. "Monitoring" as used herein means recording the conversation through the use of mechanical equipment or a stenographer for the purpose of producing a verbatim record of what was said. However, upon advance notice to the other party, officials and employees may continue to have their secretaries take notes of such items as names, dates, and references to letters, publications, and other data, and may also have a verbatim record made of all or portions of a conversation when both parties to the conversation agree that such a record is necessary. Such occasions should, however, be considered as an exception to normal procedures and should only be resorted to when the necessity is clearly established.

ERLE COCKE, Sr., *Chairman.*

FEDERAL HOME LOAN BANK BOARD

WASHINGTON

JANUARY 26, 1962.

Hon. JOHN E. MOSS,

*Chairman, Special Government Information Subcommittee of the
Committee on Government Operations.*

DEAR MR. CHAIRMAN: This is in reply to your letter of October 23, 1961, dealing with the recording and monitoring of telephone calls.

There are no transmitter cutoff switches or listening-in circuits in use on telephones assigned to this agency.

On January 25, 1962, I issued Order No. 113 covering the transcription or recording of telephone conversations in the Federal Home Loan Bank Board and the Federal Savings and Loan Insurance Corporation. A copy of this order is enclosed for your information.

Sincerely,

JOSEPH P. McMURRAY,
Chairman.

FEDERAL HOME LOAN BANK BOARD

Order No. 113

JANUARY 25, 1962.

THE TRANSCRIPTION OR RECORDING OF TELEPHONE CONVERSATIONS

(1) No mechanical devices for recording telephone conversations shall be installed in the Federal Home Loan Bank Board or the Federal Savings and Loan Insurance Corporation without the approval of the Chairman of the Federal Home Loan Bank Board.

(2) The recording of telephone conversations by mechanical recording devices in the Federal Home Loan Bank Board and the Federal Savings and Loan Insurance Corporation is prohibited except where the use of the device is indicated by a "beeper" warning signal and the other party or parties to the call have been advised that the call is being recorded and have consented thereto.

(3) The monitoring of telephone calls by secretaries or other persons not a party to the call in the Federal Home Loan Bank Board and the Federal Savings and Loan Insurance Corporation is prohibited unless the other party or parties to the call have been advised that the call is being monitored and have consented thereto.

JOSEPH P. McMURRAY,
Chairman.

FEDERAL HOME LOAN BANK BOARD

WASHINGTON

MARCH 23, 1962.

HON. JOHN E. MOSS,
*Chairman, Special Government Information Subcommittee of the
Committee on Government Operations.*

DEAR MR. CHAIRMAN: Pursuant to telephone conversation today between Mr. Archibald of your staff and Mr. Clarence S. Smith of this Board, this is to confirm that no recording devices wired into telephone circuits are owned or in use by any of the offices in this agency.

Sincerely yours,

JOSEPH P. McMURRAY,
Chairman.

FEDERAL MARITIME COMMISSION

WASHINGTON

OCTOBER 30, 1961.

HON. JOHN E. MOSS,
*Chairman, Special Government Information Subcommittee of the
Committee on Government Operations.*

DEAR MR. MOSS: The following information is furnished in response to your letter of October 23, 1961, relative to telephone monitoring and recording.

The Federal Maritime Commission has no written rules or regulations as yet covering telephone monitoring and recording. It does permit monitoring of incoming calls as needed under special circumstances. No telephone recording devices are used in the agency.

The purpose of monitoring incoming telephone calls is to accurately record such information as names, addresses, dates, figures, or requests for data, which results in greater accuracy in such essential details. The caller is usually, but not always, informed that notes are being taken. I believe that monitoring for such purposes does increase the efficiency of operations.

Sincerely yours,

THOS. E. STAKEM, *Chairman.*

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
SPECIAL GOVERNMENT INFORMATION SUBCOMMITTEE
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,

April 5, 1962.

HON. THOMAS E. STAKEM, JR.,
*Chairman, Federal Maritime Commission, Department of Commerce,
General Accounting Office Building, Washington, D.C.*

DEAR MR. STAKEM: On October 23, 1961, the Special Subcommittee on Government Information asked you a series of questions about telephone monitoring practices in your agency. The second paragraph of the subcommittee's letter stated:

"One of the committee's findings is that a 'complete survey of telephone monitoring practices in Federal Government is indicated to determine, among other things, exactly how many telephone listening-in devices the Government rents.' In that connection, please state the number of transmitter cutoff switches in use on telephones assigned to your agency in the Washington area. Please state the total annual charge for such switches during the 1960-61 fiscal year. Also, please state how many listening-in circuits are installed on telephone equipment assigned to your agency in the Washington area, and the total annual charge during fiscal 1960-61."

Your answering letter of October 30, 1961, covers only the question of telephone recording devices, but does not provide the requested information about telephone monitoring.

Please, therefore, state the number of transmitter cutoffs and the number of listening-in circuits installed in connection with telephones in your agency. Also, please state the estimated annual charge for both the transmitter cutoffs and the listening-in circuits, if any.

Sincerely,

JOHN E. MOSS, *Chairman.*

FEDERAL MARITIME COMMISSION

WASHINGTON

Hon. JOHN E. MOSS,
*Chairman, Special Government Information Subcommittee of the
Committee on Government Operations, House of Representatives,
Washington, D.C.*

DEAR MR. MOSS: In response to your letter of April 5, 1962, the following additional information is furnished regarding telephone monitoring and recording.

The Federal Maritime Commission was not created until August 1961. However, its predecessor, the Federal Maritime Board, did have five listening-in keys during the fiscal year 1960-61. The monthly rental was 75 cents for each key or a total cost of \$45 per year for all devices. The Federal Maritime Commission has directed that all five keys be removed.

Sincerely yours,

THOMAS E. STAKEM, *Chairman.*

FEDERAL MEDIATION AND CONCILIATION SERVICE

NOVEMBER 6, 1961.

Hon. JOHN E. MOSS,
*Chairman, Special Government Information Subcommittee of the
Committee on Government Operations.*

DEAR CONGRESSMAN MOSS: This will reply to your October 23 letter regarding telephone monitoring and provide the information you have requested.

There are five transmitter cutoff switches currently in use in FMCS offices in the Washington area. Total charges for cutoff switches during fiscal year 1961 amounted to \$3.75.

There are seven listening-in circuits currently installed in FMCS offices in the Washington area; one is currently being removed, leaving a total of six for anticipated continued use. Total charges during fiscal year 1961 amounted to \$60.75.

The only telephone-recording equipment used by the Service is installed in field office locations where no secretarial positions are provided. This equipment is used only when mediators are away from their offices and no one is present to answer the telephone. The device announces the fact that the mediator is absent and offers the opportunity to record a message to be heard upon the mediator's return. No "beep" signal is given. A total of six such devices are leased by the Service at an equal number of locations. Total annual rental is approximately \$1,000.

At an additional 21 locations, again where no secretarial positions exist, commercial telephone-answering service is provided to give and receive messages when the mediator is absent. However, no monitoring or recording of conversations occur at these locations. Total annual charges are approximately \$4,900.

Regulations are currently being promulgated to insure that our practices do and will continue to conform to the subcommittee recommendations.

I cannot disagree with any of the conclusions or recommendations as stated in the committee report. Our regulations, soon to be issued, will embrace all of these principles. It is my judgment that our personnel have, despite the absence of regulations heretofore, permitted the monitoring of only those conversations or portions of conversations as were necessary in accurately and efficiently performing our work. The very nature of our activities requires that information received in confidence be respected. To do otherwise would destroy our usefulness. Personal conversations have not been monitored.

Limited monitoring of telephone conversations known and accepted by the participants does contribute to economy and efficiency although it is difficult to measure in either time or dollars. Frequently the telephone volume is quite heavy and consists mostly of long-distance calls. Labor disputes involve farflung industrial establishments across the country; for example, missile sites and the maritime industry. To require either party to prepare adequate and legible notes during the conversation, to interrupt in order to verify facts and data, and to later dictate necessary summaries or transcripts would not only extend the use and cost of long-distance lines but also the time of the party involved who could utilize his time more usefully.

To reiterate, monitoring by agreement of both participants, like many other things, is beneficial if properly used and in moderation. This we propose to do.

Sincerely,

WILLIAM E. SIMKIN,
Director.

FEDERAL MEDIATION AND CONCILIATION SERVICE

[Excerpt from Operations Manual, p. 2002:3]

IX. *Telephone Monitoring*

The policy of the Service shall be that telephone conversations may be monitored *only* when the calling party is informed and does not object. The monitoring of telephone conversations of an official nature, within the Service between FMCS personnel, is permissible unless one party or the other specifically requests otherwise.

Electronic devices used for recording telephone conversations shall not be installed or used. Telephone answering equipment used for service during absences from the office is *excluded* from this prohibition.

FEDERAL POWER COMMISSION

WASHINGTON

JANUARY 10, 1962.

Hon. JOHN E. MOSS,
*Chairman, Special Government Information Subcommittee,
Committee on Government Operations.*

DEAR MR. CHAIRMAN: This is in further reply to your letter of October 23, 1961, concerning telephone monitoring equipment and practices.

This Commission does not use or possess any telephone-recording equipment, but does have a number of transmitter cutoff switches and listening-in circuits. As of November 1961, 7 transmitter cutoffs and 20 listening-in circuits had been installed on Commission telephones. The cost in fiscal year 1961 for the rental of transmitter cutoff and listening-in equipment amounted to \$3.75 and \$219, respectively.

This equipment is used only as authorized by a new policy statement on telephone monitoring which we recently issued, three copies of which are enclosed. We believe our policy of allowing secretaries to listen in on telephone conversations for the purpose of providing files or other pertinent material which may be needed by the official to answer questions and to make notes, if desirable, with respect to conference dates, names and addresses, or other information, definitely contributes to the efficiency of operations by saving the time of both the official and the caller.

We have no specific comments to make with regard to House Report No. 1215, but are of the general opinion that the report has rendered a service to the Government and the public. Clear statements of policy with respect to telephone monitoring should obviate possible accusations that Government agencies engage in telephone monitoring practices of which nonagency callers are unaware.

We trust that the Commission's present policy on this subject is in conformity with your subcommittee's recommendation.

Sincerely yours,

JOSEPH C. SWIDLER, *Chairman.*

FEDERAL POWER COMMISSION

Before Commissioners: Joseph C. Swidler, Chairman, Jerome K. Kuykendall, Howard Morgan, L. J. O'Connor, Jr., and Charles R. Ross.

ADMINISTRATIVE ORDER NO. 85

MONITORING TELEPHONE CONVERSATIONS

(Issued December 21, 1961)

It is the policy of the Federal Power Commission that no recording devices of any kind shall be installed or used on Commission telephone equipment. Officials or employees may permit a secretary or other person to listen-in on telephone conversations for the purposes

of taking verbatim notes, summary notes, notes related to names, dates, references to letters and publications, or to facilitate the conversation through the procurement of files or other information, provided that the other party to the conversation is notified in advance. It is the responsibility of the official or employee placing or receiving the call to notify the other party that a third party is listening-in on the conversation for the purposes stated above.

By the Commission.

JOSEPH H. GUTRIDE, *Secretary.*

FEDERAL RESERVE SYSTEM

WASHINGTON

FEBRUARY 15, 1962.

Hon. JOHN E. MOSS,

Chairman, Special Government Information Subcommittee of the Committee on Government Operations.

DEAR MR. MOSS: This refers to your letter of October 23, 1961, transmitting a copy of House Report 1215 relating to the survey by the Special Subcommittee on Government Information of the House Committee on Government Operations to determine the extent to which telephone monitoring and recording are practiced in the Federal Government.

We are glad to furnish the following information requested in your letter:

Number of transmitter cutoff switches in use at Board.....	29
Annual cost of transmitter cutoff switches 1960-61.....	\$37. 80
Number of listening-in circuits in use at Board.....	2
Annual cost of listening-in circuits 1960-61.....	\$18. 00
Telephone recording equipment purchased or leased by Board.....	None

As you know, the transmitter cutoff switches give less privacy and may result in somewhat less satisfactory transmission of conversation than the more costly listening-in circuits. However, since the needs of the offices having listening-in circuits can be served adequately by transmitter cutoff switches, arrangements are being made to install the more economical equipment.

The report furnished with your letter has been read with interest, and careful consideration has been given to the conclusions and recommendations included in it. It is noted that the House Committee on Government Operations urges the adoption of "clear, written regulations" that "advance notice must be given" whenever either monitoring or recording is contemplated.

As indicated in the Board's letter of July 10, 1961, replying to your letter of June 23, 1961, no monitoring is done by our telephone operators, no recording devices are used to monitor telephone calls, and no occasion has arisen that would suggest the necessity for the Board to issue regulations covering the monitoring of telephone calls, other than the request contained in your letter of October 23.

The occasions on which there may be monitoring of telephone calls at the Board fall into two categories. One of these, which is relatively rare, occurs when a secretary is asked to make a verbatim record of part or all of a telephone conversation. The Board believes

that in every such instance there should be clear announcement of the fact prior to making of the record. Specific announcement ordinarily has been given in any such case and, to assure that this will be a consistent practice, the Board is issuing an instruction requiring notice to the other party to the call whenever a secretary is to be requested to make a verbatim record of part or all of the conversation.

The other and more frequent, although by no means common, case of "monitoring" occurs when a secretary is asked to be on the line so that she may provide any necessary or relevant material that would assist in handling the call expeditiously, or so that she may be informed of the nature of the conversation without repetition by the principal of things she needs to know to perform her duties most effectively. This type of secretarial assistance is believed to be fairly widespread and understood in both private and public business, and obviously no secretary at the Board would engage in the practice except upon specific request or on the basis of an express understanding with her principal. The Board looks upon this second type of "monitoring" as a means to greater efficiency in the use of the time of both principal and secretary.

In addition to issuing the instruction requiring clear announcement of the making of a verbatim record, the Board also is circulating this letter among the members of the staff. This is being done in order to make certain that a secretary is to remain on the line only for the purpose of assisting in the handling of the call or in keeping the secretary informed of things she needs to know in connection with her work, and that no effort is to be made to avoid disclosing to anyone that the secretary may be on the line for this purpose.

Sincerely yours,

WM. MCC. MARTIN, Jr.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

MARCH 15, 1962.

Office correspondence.

From: Mr. Sherman.

There is attached a copy of the Board's letter of February 15, 1962, to the Honorable John E. Moss, chairman, Special Government Information Subcommittee of the Committee on Government Operations, on the subject of telephone monitoring.

As is indicated in the letter (see particularly p. 2), the Board has authorized the issuance of an instruction to the effect that when a secretary at the Board is asked to make a verbatim report of a telephone conversation notice must be given the other party to the call. In those instances when a secretary is asked to listen in only for the purpose of assisting in handling the call or to be informed of things she needs to know to perform her duties more effectively, no effort is to be made to avoid disclosure of the fact that she may be on the line.

This memorandum and the attached letter should be brought to the attention of all persons concerned. Additional copies may be obtained by calling extension 243.

FEDERAL TRADE COMMISSION

WASHINGTON

Hon. JOHN E. MOSS,
*Chairman, Special Government Information Subcommittee of the
Committee on Government Operations.*

DEAR CONGRESSMAN MOSS: This is in response to your letter of October 23, 1961, concerning telephone monitoring practices.

I am enclosing, for your information, a copy of a notice which I issued to the staff of the Federal Trade Commission on October 25, 1961 on this subject.

In answer to the questions asked in your letter of October 23 please be advised that the Federal Trade Commission has no transmitter cutoff switches in use on its telephones, no listening-in circuits and no telephone recording equipment of any type.

Sincerely yours,

PAUL RAND DIXON,
Chairman.

FEDERAL TRADE COMMISSION

WASHINGTON

OCTOBER 25, 1961.

Notice to the Staff.

Re telephone monitoring

In connection with the official business of the Federal Trade Commission, no employee of the Commission shall by any means monitor telephone conversations, or direct or knowingly participate in any such monitored conversations, unless all parties to the conversation give their prior consent to such monitoring.

PAUL RAND DIXON,
Chairman.

FINE ARTS COMMISSION

WASHINGTON

OCTOBER 27, 1961.

Hon. JOHN E. MOSS,
Chairman, Special Government Information Subcommittee.

DEAR MR. CHAIRMAN: I am writing in reply to your letter of October 23, 1961, requesting information as to the policy of the Commission of Fine Arts regarding the monitoring of incoming telephone calls. The answers to your questions are as follows:

1. The Commission has no published rules or regulations covering monitoring.

2. Occasionally, if the nature of the call warrants it, secretaries are asked to listen in on incoming telephone conversations for the purpose of recording names and dates, and for supplying files that contain data pertaining to the call. Verbatim transcripts of conversations are never made.

3. The telephones used by the Commission are not fitted with recording devices for monitoring or recording incoming telephone calls.

4. and 5. These questions are covered by the answer to question 3. There are three transmitter cutoff switches in use on telephones

assigned to the Commission. The total annual charge for such switches during fiscal year 1960-61 was \$5.60. There are no listening-in circuits installed on telephone equipment used by the Commission.

The staff of the Commission is small, consisting, in addition to myself as Chairman, of an executive secretary, an assistant secretary, a legal counsel, an administrative assistant, and two stenographers. We have found that it is of the utmost importance to keep all the members of the staff aware of the activities of the Commission on a day-to-day basis. The monitoring of telephone calls makes possible a rapid and efficient transaction of the business of the Commission. It is not intended that such monitoring be for the purpose of spying on callers in order to assemble some sort of verbatim case record on the call, and personally I would not permit any such procedure.

I hope that this will be a complete reply to your request but, if you need further information, please let me know.

Sincerely yours,

DAVID E. FINLEY, *Chairman*
(For the Commission of Fine Arts).

FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES

WASHINGTON

OCTOBER 27, 1961.

Hon. JOHN E. MOSS,
Chairman, Special Government Information Subcommittee
Committee on Government Operations.

DEAR MR. MOSS: Reference is made to your inquiry dated October 23, 1961, relative to telephone monitoring practices within the Foreign Claims Settlement Commission.

You may be advised that the Commission currently has no transmitter cutoff switches in use on telephones. The total annual cost for such switches during the 1960-61 fiscal year was \$1.50. There were two listening-in circuits installed on telephone equipment assigned to this agency, and the total annual charge therefor in fiscal year 1960-61 was \$18. No such circuits are currently used by the Commission.

With respect to your question No. 1, monitoring of telephone calls has never been specifically authorized by the Commission and accordingly, no regulations concerning this topic have been adopted. Generally, telephone calls are not monitored.

With respect to question No. 2, monitoring of telephone calls is permitted on occasion but only for the purpose of having the contents of documents dictated, making notations of names, dates, references, publications, and for making appointments. In most, if not all instances, the other party is advised that a secretary is on the line.

With respect to questions Nos. 3, 4, and 5, you may be further advised that the Commission does not permit the use of telephone recording devices.

The Foreign Claims Settlement Commission concurs entirely with the spirit of the conclusions and recommendations of the subcommittee.

The Commission's only purpose in its rare utilization of the practice is to bring about efficient and expeditious disposition of its work. Its principal use is in obtaining information and data from other agencies of the Government or other sources, the receipt of which might be delayed for a week or more by use of the mails or other media. Thus, as used, it is considered an economical practice.

In the light of the recommendations contained in the report accompanying your letter, I have caused the attached directive to be issued this date.

The Commission is pleased to be of assistance to you.

Sincerely yours,

EDWARD D. RE, *Chairman.*

FOREIGN CLAIMS SETTLEMENT COMMISSION

NOVEMBER 1, 1961.

CHAIRMAN'S DIRECTIVE No. 10

To: All personnel.

From: Edward D. Re, Chairman.

Subject: Monitoring of telephone calls.

1. No officer or employee of the Foreign Claims Settlement Commission shall use any machine or other device for the recording of any telephone conversation.

2. Except as provided herein, no officer or employee of the Foreign Claims Settlement Commission shall authorize or permit the practice of monitoring telephone conversations with persons within or outside the Commission. If during the course of a telephone conversation, it is necessary to record a portion of the conversation, a third party may be permitted to come on the line, after adequate notice to the other party has been given, to take notes on this portion of the conversation. This practice shall be strictly limited to cases of real need. The monitoring shall be terminated with notice to the other party as soon as this portion of the telephone call is completed.

EDWARD D. RE, *Chairman.*

GENERAL ACCOUNTING OFFICE

COMPTROLLER GENERAL OF THE UNITED STATES

WASHINGTON

DECEMBER 11, 1961.

Hon. JOHN E. MOSS,

*Chairman, Special Government Information Subcommittee,
Committee on Government Operations.*

DEAR MR. CHAIRMAN: This is in response to your letter of October 23, 1961, requesting to be advised on telephone monitoring and recording practices in the General Accounting Office.

There are no transmitter cutoff switches or listening-in circuits installed on any of the telephone equipment in the Office and no telephone recording devices are used to monitor or record telephone calls.

We do on occasion and only with the knowledge of both parties require a secretary to make notes on technical or factual data or take down in shorthand official communications for the purpose of facilitating our internal work. We do not believe that such instances invade the privacy of conversations or infringe upon the rights of individuals in making calls on public business to this Office.

We share the concern of the committee about any practices in the Government agencies requiring or permitting the recording of or listening in on telephone conversations without the knowledge of both parties. We cannot perceive any valid justification for such practices from the standpoint of economy or efficiency in operation.

The General Accounting Office has not heretofore issued any rules or regulations covering telephone monitoring. However, in line with the committee recommendations, the issuance of appropriate instructions will be given immediate attention.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

U.S. GENERAL ACCOUNTING OFFICE

JANUARY 31, 1962.

COMPTROLLER GENERAL'S ORDER No. 1.35

TELEPHONE MONITORING

1. It is the policy of the General Accounting Office that no telephone calls to or from the Office be monitored. The use of telephone-recording devices is prohibited, and no transmitter cutoff switches or listening-in circuits are to be installed on any of the telephone equipment in the Office.

2. If on occasion it is thought necessary to have a record made of a telephone conversation or notes made on technical or factual data, a secretary may be asked to listen in and record the information, but only with the knowledge of the other party or parties to the conversation. Secretaries or other persons, however, should not be required or permitted to listen in on telephone conversations as a routine practice.

3. When conference telephone calls are made all participants should be informed as to all other persons involved.

GENERAL SERVICES ADMINISTRATION

WASHINGTON

NOVEMBER 15, 1961.

Hon. JOHN E. MOSS,
Chairman, Special Government Information Subcommittee, Committee on Government Operations.

DEAR MR. MOSS: The following data regarding the use of telephone listening-in devices and recording equipment by the General Services Administration is furnished in response to your inquiry of October 23, 1961.

1. There are 201 transmitter cutoff switches in use on telephones assigned to GSA in the Washington area. The total annual charge for such switches during the 1960-61 fiscal year was \$465.

2. A total of 16 listening-in circuits are installed on telephone equipment assigned to GSA in the Washington area, at a cost of \$174.60 yearly.

3. GSA leases six recorders which are wired into telephone circuits. None of these devices are equipped with "beeper" warning signals since they are operated as a service to customer agencies to enable them to telephone outgoing messages into a PBS teletype center and to enable building occupants to place service requests by telephone to the PBS area or building manager offices. The total yearly rental for these recorders is \$834.

4. GSA does not possess any induction-type attachments that can be used to record telephone conversations on dictation machines without being wired into the circuit, or any other types of instruments for use in monitoring or recording telephone conversations.

In regard to the recommendations of the Committee on Government Operations contained in House Report No. 1215, your attention is called to recommendation 4 which embraces matters not covered by the definition of "telephone monitoring," as stated on page 3 of the report. Substitution of the words "for the purpose of taking either a verbatim or partial transcript of the conversation" in place of the words "for any purpose whatsoever" in recommendation 4 would provide a more useful guideline to Federal agencies and would be more in consonance with the recent decision of the Supreme Court of the United States in the case of *Rathbun v. United States* (355 U.S. 107 (1957)).

Although no precise estimate of monetary savings attributable to the use of monitoring and recording devices can be made, the Government-wide nature of GSA's responsibilities places a high premium on accurate communication and efficient followup of agency requests for service. Thus, the use of monitoring devices in GSA permits accurate transcription of statistical information (names, dates, figures, etc.) without interruption to officials engaged in telephone conversations, and recording devices provide customer agencies with continuous telephone order-receiving services without the necessity for uninterrupted attendance of telephones.

Sincerely yours,

BERNARD L. BOUTIN,
Acting Administrator.

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

WASHINGTON

NOVEMBER 14, 1961.

Hon. JOHN E. MOSS.

Chairman, Special Government Information Subcommittee of the Committee on Government Operations.

DEAR MR. CHAIRMAN: This is in reply to your letter of October 23, 1961, requesting information about telephone monitoring and recording.

House Report 1215 brought to my attention the relatively widespread use of transmitter cutoff keys and listening-in circuits in this Department. While I do see the need to have someone listen in on

an extension phone on certain occasions to take notes, I do not believe that this should be standard practice, nor do I see the necessity for paying for special devices to facilitate monitoring. I therefore ordered that all listening-in devices must be removed from Department telephones and that none may be installed in the future. A copy of my memorandum to the heads of operating agencies and staff offices on this subject is enclosed. Our manual instructions on the use of telephones have also been revised to reflect this policy. Copies of this revision are enclosed. These replace the instructions furnished to your subcommittee during its survey of telephone monitoring which led to the issuance of House Report 1215.

The annual charge for listening-in devices used by this Department in the Washington area prior to the issuance of my instruction was approximately \$1,500 per year. All of these devices have now been taken out, except for four transmitter cutoff switches used on phones in our printing plant to cut out background noise during conversations.

Telephone recording devices are permitted only when specifically approved. We do not permit the use of induction-type attachments. We currently have three recording machines in use on Department telephones in the Washington area. They are all equipped with the "beep" warning signal. The average cost of recording machines of the type used is approximately \$330. The installation charge for wiring one of these machines to a telephone is \$5, and the monthly charge by the telephone company is \$2. We believe that the use of these recorders is justified. In each case they are attached to telephones which are routinely used to receive reports from Department field stations when accurate transcription of the information being phoned in is essential.

If you would like any additional information, please let me know.

Sincerely,

ABRAHAM RIBICOFF,
Secretary.

THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

WASHINGTON

SEPTEMBER 29, 1961.

To: All operating agency heads; all staff offices in the Office of the Secretary.

Subject: Listening-in on telephone conversations.

It has come to my attention that prior to my assuming office there had grown up a practice in this Department, as well as in other governmental agencies, of having secretarial and some other personnel listen in on telephone conversations, usually those of their supervisors (at the supervisors' request) without informing the other party to the telephone conversation of the fact that a third party is listening in.

I can see the need on occasion to have a secretary, upon request, pick up an extension telephone to transcribe accurately addresses, dates, etc., being mentioned in a telephone conversation. When this occurs, both parties to the telephone conversation should be aware that the data is being transcribed.

However, I see no need to incur added expense for special "gadgets" to facilitate regular monitoring. Hereafter no such listening-in or

monitoring shall be permitted without the knowledge of all parties to the conversation. All telephone devices which are currently in use to facilitate such monitoring shall be taken out or disconnected and no future ones shall be installed.

ABE RIBICOFF, *Secretary*.

GENERAL ADMINISTRATION MANUAL

USE OF TELEPHONE SERVICES

* * * * *

12-50-70 *Monitoring of telephone conversations*

A. It is the policy of the Department that no one shall "monitor" or "listen-in" on a telephone conversation without the knowledge of all parties to the conversation.

B. When it is thought to be necessary for a secretary or other assistant to pick up an extension phone to transcribe certain items mentioned in a call such as dates, addresses, etc., both parties to the call should be aware that the information is being transcribed.

C. All telephone devices which are currently in use to facilitate monitoring shall be taken out or disconnected and none shall be installed in the future. These are devices—usually a cutoff-key or switch—which allows someone using the phone to hear but not to be heard.

D. The devices which can be used to facilitate monitoring are also used to improve telephone reception in areas where there is a high level of background noise from machinery, such as press rooms, or tabulating machine areas. The use of cutoff devices in such areas may be permitted, but not for the purpose of monitoring telephone conversations.

HOUSING AND HOME FINANCE AGENCY

WASHINGTON

DECEMBER 4, 1961.

HON. JOHN E. MOSS,

Chairman, Special Government Information Subcommittee of the Committee on Government Operations.

DEAR MR. CHAIRMAN: This is in further reply to your letter of October 23 regarding the costs of telephone listening in and recording devices in the Washington area.

There were 180 transmitter cutoff switches in use on telephones assigned to the Housing and Home Finance Agency in the Washington area on June 30, 1961. The 1961 fiscal year charge was \$404.20. There was also one receiver jack at an annual cost of \$6.00.

Since submitting our earlier report, we have learned that the Public Housing Administration had been using two additional dictating-transcribing machines which were wired into telephone circuits. Both were equipped with "beep" signals and both were disconnected in accordance with the Agency policy statement previously furnished you. Fiscal year 1961 costs of using this equipment in connection with telephonic circuits was approximately \$49.00.

The Committee has done a thorough job of analyzing the use of monitoring devices in connection with telephonic conversations and, as indicated by the policy statement I have already issued, we are in agreement with your conclusion that the practice of monitoring calls is generally undesirable.

Sincerely yours,

ROBERT C. WEAVER,
Administrator.

INDIAN CLAIMS COMMISSION

WASHINGTON

OCTOBER 26, 1961.

JOHN E. MOSS,
Special Government Information Subcommittee.

DEAR CONGRESSMAN MOSS: This will acknowledge receipt of your letter of October 23 relative to your survey to determine the extent to which telephone monitoring and recording is practiced in the Federal Government.

In the case of the Indian Claims Commission all of your questions can be answered at once since we have no telephone monitoring or recording devices in the Commission. If you need further information than this we will be glad to try and supply it.

Sincerely,

ARTHUR V. WATKINS,
Chief Commissioner.

P.S.—We do not monitor telephone calls by device or by secretaries or at all.

A.V.W.

DEPARTMENT OF THE INTERIOR

WASHINGTON

JANUARY 24, 1962.

HON. JOHN E. MOSS,
Chairman, Special Government Information Subcommittee on Government Operations.

DEAR MR. CHAIRMAN: This is in further reply to your letter of October 23, 1961, requesting certain information on our telephone monitoring equipment and practices. I regret this delay, but the figures are now available and are given below:

1. Number of transmitter cutoff switches in use in our Washington area offices.....	164
2. 1960-61 fiscal year costs for transmitter cutoff switches.....	\$359.40
3. Listening-in circuits in use in our Washington area office.....	0
4. 1960-61 fiscal year costs for listening-in circuits.....	0
5. Government-owned or leased telephone recording instruments.....	0
6. Wired-in, induction, or other type of telephone monitoring or recording attachments or instruments.....	0

We appreciate your courtesy in extending us the opportunity to comment upon the recommendations of the committee in its report on telephone monitoring. However, we have no comments to offer, since our written regulations are already in accord with these recommendations, nor can we make any estimate of increased efficiency brought

about by monitoring or recording devices, since we are not using them.

Sincerely yours,

D. OTIS BEASLEY,
Administrative Assistant Secretary.

INTERSTATE COMMERCE COMMISSION

WASHINGTON

NOVEMBER 9, 1961.

Hon. JOHN E. MOSS,
Chairman, Special Government Information Subcommittee.

DEAR MR. CHAIRMAN: This is in further reply to your letter of October 23 requesting information concerning telephone monitoring and recording practices. Specifically you request information as to the number of transmitter cutoff switches and listening-in circuits in use on telephones assigned to this agency and inquire as to the annual charge for such switches and circuits during the 1960-61 fiscal year. You also inquire about the use and costs of telephone recording equipment.

During the period July 1, 1960, through June 30, 1961, there were no transmitter cutoff switches in use on telephones assigned to this agency. Eight listening-in circuits were wired into telephone equipment. Total charges for these circuits amounted to \$72 for fiscal year 1961. The Commission does not own or lease any telephone recording equipment.

We are in accord with the conclusions reached in the subcommittee's report (House Rept. No. 1215) and have now disposed of all listening-in circuits. As stated to you in our previous letter of June 29, 1961, the extent of telephone monitoring is limited to the matters enumerated in that letter and no verbatim records of complete telephone conversations are ever made. In this regard we believe the new regulations issued by the Commission, copy attached, provide the necessary safeguards to insure adherence to this policy.

Your interest in the activities of the Commission is appreciated.

Sincerely,

EVERETT HUTCHINSON,
Chairman.

INTERSTATE COMMERCE COMMISSION

WASHINGTON

MANAGING DIRECTOR'S MEMORANDUM No. 182

NOVEMBER 9, 1961.

To: Heads of bureaus and offices and regional managers.

From Bernard F. Schmid, Managing Director.

Subject: Monitoring of telephone calls.

This memorandum restates existing Commission policy with respect to the monitoring of incoming telephone calls.

No devices of any type to monitor incoming telephone calls will be used in the Commission. Secretaries may, when instructed, remain on the line for the purpose of recording some specific details relating

to a particular subject; e.g., the name and number of a specific publication requested to be mailed and the address of the requester; when an emergency service order is requested, the place, time, track, et cetera, involved; in extremely rare instances the actual text of a restraining or other urgent court order. In all such instances, the person on the other end of the conversation must be made clearly aware, in advance, of the monitoring.

The content of this memorandum will be incorporated in the ICC Manual Administration.

DEPARTMENT OF JUSTICE

WASHINGTON

DECEMBER 12, 1961.

Hon. JOHN E. MOSS,
Chairman, Special Government Information Subcommittee.

DEAR CONGRESSMAN: This is in further reply to your letter of October 23 on telephone monitoring practices.

There are three switchboards serving the local needs of the Department of Justice, one for the Department proper, a second one serves the Federal Bureau of Investigation, and the third serves the Immigration and Naturalization Service.

The Federal Bureau of Investigation advises that it does not utilize the devices referred to in your letter.

The Immigration and Naturalization Service states that 32 transmitter cutoff switches are a part of its equipment for which the cost is \$68.40 per annum. The Service has no listening-in circuits.

The Department of Justice proper utilizes a total of 53 transmitter cutoff switches at an annual cost of \$159. There are no listening-in circuits.

The Department of Justice does not use recorders wired into telephone circuits or induction-type attachments or types of instruments that could be used to monitor or record telephone conversations.

The Department does not contemplate any changes in its present policy.

Sincerely,

BYRON R. WHITE,
Deputy Attorney General.

DEPARTMENT OF LABOR

WASHINGTON

NOVEMBER 2, 1961.

Hon. JOHN E. MOSS,
*Chairman, Special Government Information Subcommittee,
Committee on Government Operations.*

DEAR CONGRESSMAN MOSS: I have read with interest House Report 1215 which was transmitted with your letter of October 23, 1961. The following information is furnished in response to the committee's re-

quest for data on how many listening-in devices the Department of Labor rented during fiscal year 1960-61 and the total charge incurred:

30 transmitter cutoff switches (4 months at 15 cents equal \$18, and 8 months at 25 cents equal \$60)-----	\$78
18 listening-in circuits (12 months at 75 cents)-----	162
Total cost-----	240

The Department of Labor does not own or lease any recording equipment wired into departmental telephone circuits. Induction or other type equipment is not owned or leased to monitor or record departmental telephone conversations.

The recommendations and conclusions of your committee deal thoughtfully with the possible invasion of a citizen's privacy through use of modern communications devices by the Federal Government. I believe that no one can underestimate the threat that flagrant use of such devices could have on free conduct of Government business. While regulations can, and should, prohibit clandestine recording or transcription of official telephone conversations, it is not believed that regulations should hamper the legitimate secretarial use of transmitter cutoff switches or listening-in circuits as a management aid to executives for assisting them in the orderly conduct of Government business.

Rather than the placement of additional restrictions on the use of authorized telephone company listening-in devices, I believe the answer lies closer to prohibiting the use of information so received for purposes inconsistent with the highest standards of ethical behavior required from all Government employees acting in the public interest. As used in the "Department of Labor, the small annual cost of these devices has improved operations and manpower utilization.

Yours sincerely,

W. WILLARD WIRTZ,
Acting Secretary of Labor.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

WASHINGTON

JANUARY 22, 1962.

Hon. JOHN E. MOSS,

Chairman, Special Government Information Subcommittee of the Committee on Government Operations.

DEAR MR. CHAIRMAN: This is in further reply to your letter of October 10, 1961, transmitting to the National Aeronautics and Space Administration a copy of House Report 1215 on the subject of "Availability of Information From Federal Department and Agencies (Telephone Monitoring)," and making certain inquiries with respect to the activities of the National Aeronautics and Space Administration in relation thereto.

A study has been made of the records of the National Aeronautics and Space Administration in connection with telephone listening-in devices and their cost to the Government during the fiscal year 1960 to 1961, and we are advised that those records reveal the following:

1. *Transmitter cutoff switches.*—In the Washington, D.C., area, there were installed on telephones, servicing NASA, 134 cutoff switches, for which the annual charge in that fiscal year was \$311.75.

2. *Listening-in circuits.*—There were installed on telephones, servicing NASA activities in the Washington, D.C., area, two listening-in circuits, for which \$38 was paid in that fiscal year.

In addition to the foregoing, we also had in operation one supervisor control unit, at a cost in that fiscal year of \$15.90, and one recorder connector which in that fiscal year cost \$24.

3. *Recording equipment, purchased or leased by Government agencies.*—NASA has, in the Washington area, a total of 119 dictating machines, tape recorders, and wire recorders, having an estimated cost of \$37,561. None of this equipment is connected to telephone equipment and none of it is used to record or monitor telephone conversations. Accordingly, none have been equipped with warning-type signals.

As you know, under date of August 18, 1961, the National Aeronautics and Space Administration issued an administrative regulation covering the use of telephone recording devices. A copy of this regulation is set forth at page 29 of your report. That regulation is still in effect, and at this time there are no plans to modify, amend, or supplement it.

Sincerely yours,

PAUL G. DEMBLING,
Director, Office of Legislative Affairs.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

WASHINGTON

MAY 1, 1962.

MR. SAMUEL J. ARCHIBALD,
Special Government Information Subcommittee, Committee on Government Operations, House of Representatives, Washington, D.C.

DEAR MR. ARCHIBALD: Reference is made to our letter of January 22, 1962. A further review has indicated that a recording device was used during the period under consideration. This equipment was used to record telephone conversations and was equipped with the warning signal.

This recorder is still in use and justifies yearly charges which amount to \$24.

Sincerely yours,

JOHN S. BROWN,
Assistant Director, Office of Legislative affairs.

NATIONAL CAPITAL TRANSPORTATION AGENCY

WASHINGTON

NOVEMBER 1, 1961.

HON. JOHN E. MOSS,
House of Representatives.

DEAR MR. MOSS: The Administrator, who is absent from the city, has authorized me to submit the following answers to your letter of October 23, 1961, concerning the monitoring and recording practices of this Agency:

(1) During fiscal year 1960 the Agency had two transmitter cutoff switches in use on its telephones. The total annual charge for these devices was \$6.

(2) During fiscal year 1960 the Agency had four listening-in circuits in use on its telephones. The total annual charge for these devices was \$127.20.

(3) The Agency has no rules or regulations covering telephone monitoring and recording.

(4) The Agency does not use telephone recording devices to record incoming telephone calls.

(5) While the Agency permits monitoring of incoming calls, a thorough check has revealed that there are only two persons in the Agency who have calls monitored—the Administrator and the Director of the Office of Community Services and Information. This is done because it has been found convenient to have secretaries monitor certain phone calls for the purpose of recording names, addresses, dates, figures, or requests for information. In such cases, the caller is frequently, but not always, informed that the conversation is being monitored and that notes are being taken.

The Agency has reviewed House Report 1215, including the proposed conclusions and recommendations appearing on pages 5-6. Our view is that the few instances in which our calls are monitored can be justified on the grounds of increased economy and efficiency. It is far less time consuming and more efficient to have a secretary on the line taking notes of dates, requests for information, names, etc., than to relay such information to the secretary after each call has been completed.

As for the proposed recommendations contained in House Report No. 1215, we would have no objection to issuing regulations governing monitoring and use of recording devices generally conforming to those outlined in the report.

Sincerely yours,

EDWIN H. SEEGER, *General Counsel.*

NATIONAL CAPITAL TRANSPORTATION AGENCY

WASHINGTON

MARCH 27, 1962.

Hon. JOHN E. MOSS,
House of Representatives.

DEAR MR. MOSS: On November 1 the General Counsel of this Agency wrote you at my request advising you regarding our monitoring and recording practices. Since that time, the General Services Administration has made arrangements for the Agency to move to a new location, thus necessitating a complete reassessment of the Agency's telephone system.

At our new location we anticipate having only one listening-in circuit which shall be attached to the telephone of my special and confidential assistant. I have issued instructions that under no circumstances shall my telephone calls be monitored without informing the

caller of the fact that the conversation is being monitored and that notes are being taken.

The Agency does not anticipate using any recording devices to record any telephone calls.

Sincerely yours,

C. DARWIN STOLZENBACH,
Administrator.

NATIONAL CAPITAL TRANSPORTATION AGENCY

WASHINGTON

ADMINISTRATIVE MEMORANDUM No. 12

Subject: Policy with respect to the monitoring of official telephone conversations.

It is the policy of the National Capital Transportation Agency that no telephone calls to or from the Agency offices be monitored by or for Agency officials. "Monitoring" as used here means recording the conversations through the use of mechanical equipment or a stenographer for the purpose of producing a verbatim record of what was said. However, officials may continue to have their secretaries take notes of such items as names, dates, and references to letters and publications. They may also have a verbatim record made of portions of a conversation when both parties to the conversation agree that this is necessary. Taking notes of names, dates, etc., also may be done only when the other party to the conversation has been notified. Monitoring should, however, be considered as an exception to normal procedure.

The Administrator has directed that this policy be made effective immediately.

NATIONAL LABOR RELATIONS BOARD

WASHINGTON

JANUARY 11, 1962.

Mr. JOHN E. MOSS,
Chairman, Special Government Information Subcommittee of the Committee on Government Operations.

DEAR MR. MOSS: This is in reference to the information you requested and the action taken by the Board with respect to telephone monitoring devices.

Initially, I want to express our appreciation for the assistance and courtesy rendered our Executive Secretary, Ogden W. Fields, by your staff director, Mr. Samuel Archibald, in this matter. I also want to express my regret at our delay in assembling and furnishing the data sought in your letter of October 23, 1961.

With respect to the telephone listening-in devices rented by this agency, I wish to report the following:

1. The National Labor Relations Board has in its Washington offices four telephone transmitter cutoff switches which cost 25 cents per month each or \$12 per annum for all installations.

2. The transmitter cutoff equipment on two "Call Director" installations in our Washington office costs \$15.05 per month or \$180.60 per annum.

3. We have eight listening-in circuits in our Washington office which cost 75 cents per month each or \$72 per annum for all installations.

The devices referred to in the above three paragraphs add up to a total of \$264.60 annual rent.

We have no recorders which are wired into telephone circuits and no induction-type attachments or any other type of instruments that can be used to monitor or record telephone conversations.

With regard to the cutoff equipment and listening-in circuits reported above, we are presently engaged in arranging with the telephone company for the removal of such devices from the offices in which they are located.

With respect to the Executive Secretary's office which, as I stated in my letter to you dated July 21, 1961, presented special circumstances, we believe we have solved that problem by having the secretaries in that office give advance notice to the parties that she will remain on the line to obtain the name and case number of the case for the purpose of furnishing the case record card to the person answering the telephone inquiry.

The Executive Secretary's office, which is analogous to that of a law clerk's office, receives calls daily with respect to the status of cases, requests for extensions of time to file briefs, motions, exceptions, etc. It has long been the practice of the secretaries to request the party calling to give the name and case number of the case he is inquiring about so that the Executive Secretary or any of his associates answering the call could have the case record card before him when he talked to the party. Where, however, the call was person to person and the secretary had no opportunity to talk directly to the party calling, the secretary listened in to obtain the case name and number. She then hung up, immediately withdrew the record card from her file box and gave it to the Associate Executive Secretary answering the call. This practice did not, of course, include the taking of a verbatim or partial transcript of anyone's conversation, nor monitoring the conversation but was merely for the purpose of identifying the case name and number and nothing else.

Because this practice has proved to be most convenient in handling the many calls in this office we would like to continue it with the following change we have instituted:

The secretary now tells the party calling that she is on the line to find out the name and case number or the Associate Executive Secretary announces that his secretary is on the line to obtain such information.

We assume that such advance notice is satisfactory. If so, we will continue this timesaving practice in that office, being sure that the party calling is told that the secretary is listening in for this limited purpose, which has proven convenient to all concerned.

I further wish to advise that this Board is unanimous in its agreement with the succinct conclusions and recommendations of the committee.

As indicated above we estimate an increase in economy of \$264.60 per year in removing these devices.

Sincerely yours,

FRANK W. McCULLOCH, *Chairman.*

NATIONAL LABOR RELATIONS BOARD

MARCH 27, 1962.

Mr. JOHN E. MOSS,

Chairman, Special Government Information Subcommittee on Government Operations.

DEAR MR. MOSS: This is in further reference to the action taken by the Board with respect to telephone monitoring devices.

By letter dated January 11, 1962, Chairman Frank W. McCulloch advised that the Board was then engaged in arranging with the telephone company for the removal of the cutoff equipment and the listening-in circuits from the offices in which they were located. This is to further advise that the telephone company has completed the removal of such devices.

As stated in the Chairman's letters to you dated July 21, 1961, and January 11, 1962, my office, that is, the office of the executive secretary, was the only office in the agency in which the secretaries remained on the telephone line to obtain the name and number of the case the party calling was concerned with for the limited purpose of immediately furnishing the case record card to the executive secretary or associate answering the telephone inquiry. Sometime prior to January 11, 1962, my secretaries were instructed orally to announce to the party calling that they will remain on the line to find out the name and case number of the case in order to promptly pull the case record card to facilitate answering the inquiry.

I have reduced such oral instructions to writing so that such procedures regulate the conduct of telephone communication in this office. A copy of such regulation is enclosed.

Sincerely yours,

OGDEN W. FIELDS,
Executive Secretary.

MARCH 27, 1962.

To: All staff members of the office of executive secretary.

From: Ogden W. Fields, executive secretary.

Subject: Procedures governing telephone calls.

Confirming prior oral instructions, the following policies and procedures shall govern the handling of telephone calls made to this office from persons calling from outside the agency or from inside the agency. At no time shall any employee, clerical or professional, transferring a call to another person remain on the line for any reason unless he announces to the person calling that he is remaining on the line. In other words there shall be no listening in or monitoring of any telephone conversation for any reason unless it is announced to the caller.

On station-to-station calls the secretary will ask the caller the name and number of the case, if the call concerns a specific case, before putting the call through to the executive or associate secretary. If the call concerns a specific case she will put the call through, hang up, and procure the card for the person called to facilitate his answer to the inquiry.

When, however, a caller makes a person-to-person call to the executive secretary or any of the associate executive secretaries, the secretary will put the call through and announce to the caller, "If you are calling about a specific case I will remain on the line to learn the name of the case and its number in order to procure the case record card for Mr. _____" (here name the executive secretary or associate). When the caller identifies the name and case number the secretary shall thank the caller and hang up.

O.W.F.

NATIONAL MEDIATION BOARD

WASHINGTON

OCTOBER 27, 1961.

HON. JOHN E. MOSS,
*Chairman, Special Government Information Subcommittee,
House Committee on Government Operations.*

DEAR CONGRESSMAN MOSS: This will acknowledge your letter of October 23, 1961 addressed to Mr. Francis A. O'Neill, Jr., as Chairman of this Board requesting information on telephone monitoring and recording practices in this agency.

The National Mediation Board has no monitoring equipment in use on the telephones serving this Board and that is not the practice of this agency to monitor telephone conversations or record them.

Very truly yours,

LEVERETT EDWARDS, *Chairman.*

NATIONAL SCIENCE FOUNDATION

WASHINGTON

FEBRUARY 15, 1962.

HON. JOHN E. MOSS,
*Chairman, Special Government Information Subcommittee,
Committee on Government Operations.*

MY DEAR MR. MOSS: Sometime ago you inquired about the number of transmitter cutoff switches and listening-in circuits in use in connection with telephones assigned to the National Science Foundation during fiscal year 1961, together with the total annual charge for such devices.

In response to your inquiry, the National Science Foundation had, as of October 31, 1961, 60 transmitter cutoff switches on its telephones. Each of these switches costs \$3 per year. The total annual charge for such devices during fiscal year 1961 was \$210, 10 switches having been eliminated during recent moves. The Foundation does not have any listening-in circuits installed on its telephone equipment and no money was expended for this purpose in fiscal year 1961. Furthermore, the

Foundation does not have any telephone recording devices which could be used to monitor or record telephone conversations.

As indicated on page 31 of the Seventh Report of the Committee on Government Operations, entitled "Availability of Information From Federal Departments and Agencies (Telephone Monitoring)," dated September 19, 1961, the Foundation, on July 10, 1961 issued a memorandum to members of the senior staff, setting forth the policy of the Foundation "that verbatim transcripts, either full or partial, of telephone calls to or from the Foundation will not be made by members of the Foundation staff without agreement by both parties to the conversation." This memorandum also stated that it may be appropriate, should a staff member deem it necessary in the conduct of his activities, for his secretary to make a summary of a conversation or to record names, dates, or other details. The Foundation does not, at present, contemplate any changes in this memorandum.

We have found that, in some instances, efficiency of operation is enhanced by having a secretary take notes or remain on the line in order to assist in the conduct of future action or to provide the staff member with necessary documents, background data and so forth while the conversation is taking place. I am, however, reviewing the activities of my staff in this regard with a view toward ascertaining whether any problems exist in this area and will take further action should it appear desirable.

Sincerely yours,

ALAN T. WATERMAN, *Director.*

PEACE CORPS

WASHINGTON

NOVEMBER 4, 1961.

Hon. JOHN E. MOSS,

*Chairman, Special Government Information Subcommittee,
Committee on Government Operations.*

DEAR MR. CHAIRMAN: This is in reply to your letter of October 23, addressed to Mr. Shriver, who is currently out of the country. The information requested from the Peace Corps in your letter follows. The numbers correspond to the numbered paragraphs of your letter.

- (1) No; the Peace Corps has no telephone recording devices.
- (2) The Peace Corps does permit secretaries to listen to incoming telephone calls to officials in order to record appointments, put files at the immediate disposal of the person called, and take other actions in the interests of efficient conduct of the public business.
- (3) No telephone recording devices are used by the Peace Corps.
- (4) Same answer as No. 3.
- (5) There are 58 transmitter cutoff switches on Peace Corps telephones to permit one or more persons to participate in a telephone conversation. The annual cost of all of these switches for fiscal year 1960-61 is \$54.65.

It is our view that devices that permit a secretary to listen in on telephone calls, at the specific direction of the person called, are in the

interests of the efficient conduct of the public business, for the same reasons that it is desirable for a secretary to know about incoming and outgoing official mail.

Sincerely,

PAUL GEREN, *Acting Director.*

PEACE CORPS

WASHINGTON

MAY 8, 1962.

Hon. JOHN E. MOSS,
Chairman, Special Government Information Subcommittee, Committee on Government Operations, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is designed to supplement our response of November 7, 1961, on the subject of telephone monitoring at the Peace Corps.

After your letter of inquiry brought the matter to our attention, we determined that the Peace Corps had 58 transmitter cutoff switches on our telephones. These were installed routinely as part of our new equipment.

As the enclosed memorandum indicates, I have ordered all such transmitter cutoff switches removed from the Peace Corps telephone system.

As for having secretaries on the line, we do permit this when it clearly contributes to efficiency. But we have a standard rule on this: Every party to a telephone conversation must be aware of who is on the line. If the outside party does not want a secretary on the line, she gets right off.

We do not permit telephone recording devices. As long as I am Director, we never will.

We do not have any so-called listening-in devices, as I understand your use of the term. We have extension telephones which permit at least two staff members to be in on a call, but I certainly wouldn't put them in this category.

The Peace Corps is an open operation. We have run it that way from the beginning. We plan to keep it that way.

For this reason, I can assure you that the Peace Corps hopes to build and maintain a notable record in the area of telephonic communication.

Sincerely yours,

SARGENT SHRIVER, *Director.*

PEACE CORPS

WASHINGTON

MAY 8, 1962.

To: Peace Corps staff.

From: Sargent Shriver, Director.

Subject: Monitoring and recording of telephone calls.

1. No member of the Peace Corps staff is to record any telephone calls.

2. No member of the Peace Corps staff is to listen in on any telephone calls unless the permission of all parties is first obtained.

3. All telephone transmitter cutoff switches—the gadgets that permit a person to monitor a call without being heard—are to be removed immediately.

4. No telephone monitoring or recording devices are to be installed in the Peace Corps.

POST OFFICE DEPARTMENT

WASHINGTON

NOVEMBER 13, 1961.

Hon. JOHN E. MOSS,
*Chairman, Government Information Subcommittee,
Committee on Government Operations.*

DEAR MR. CHAIRMAN: The Postmaster General has asked me to respond to your inquiry concerning the number of telephone transmitter cutoff switches and recording devices installed in the headquarters establishment here in Washington, D.C. The Department has no cutoff switches or listening-in circuits or recording units on any of its telephones.

Telephone installation is arranged for by our Headquarters Services Division, an organization under the jurisdiction of the Deputy Postmaster General. This division has been instructed not to arrange for any installation of this type.

Sincerely yours,

LOUIS J. DOYLE,
General Counsel.

POSTAL BULLETIN

WASHINGTON

THURSDAY, MAY 17, 1962.

ALL POSTAL INSTALLATIONS—MONITORING TELEPHONE CALLS

Monitoring telephone calls consists of the recording of all or parts of telephone conversations by a stenographer or by use of mechanical devices. The Post Office Department prohibits the use of these techniques on either its internal or external telephone calls. Department policy expressly prohibits participation of a third party in all telephone conversations without the express knowledge and consent of both callee and caller. All installations are expected to adhere to this policy without exception.

OFFICE OF THE DEPUTY POSTMASTER GENERAL.

RAILROAD RETIREMENT BOARD

CHICAGO

NOVEMBER 17, 1961.

Hon. JOHN E. MOSS,
Chairman, Special Government Information Subcommittee.

DEAR MR. MOSS: I have your letter of October 23, 1961, and House Report 1215, adopted by the House Committee on Government Operations on September 19, 1961, concerning telephone monitoring practices in the Federal Government.

The Board agrees with the conclusions of your committee that telephone eavesdropping should be banned and that all types of listening-in equipment be tightly controlled by clear regulations.

We have no induction type monitoring equipment, transmitter cutoff switches, electronic or mechanical devices for recording of telephone calls.

A copy of our regulations on the subject of telephone monitoring is attached.

Sincerely yours,

HOWARD W. HABERMAYER, *Chairman.*

RAILROAD RETIREMENT BOARD

TRANSCRIPT OF BOARD ORDERS

I certify that the following is a true and correct transcript of Board No. 61-175 transcribed from the record of proceedings of November 15, 1961.

MARY B. LINKINS,
Secretary of the Board.

BOARD ORDER 61-175—TELEPHONE MONITORING

Upon the recommendation of the director of supply and service, approved by the chief executive officer, and pursuant to recommendations contained in House Report 1215 by the House Committee on Government Operations, the following administrative regulations are prescribed:

(1) The installation of or possession of electronic or mechanical recording devices in offices of the Board for monitoring telephone calls among its employees and other persons is prohibited.

(2) Monitoring of incoming and outgoing telephone calls by operators at the switchboard is prohibited.

(3) Regular monitoring of telephone calls by secretaries and other assistants is prohibited. If it is necessary to have a secretary or any other person listen in or take notes on a telephone call, the caller or person called will be so informed.

RENEGOTIATION BOARD

WASHINGTON

NOVEMBER 9, 1961.

Hon. JOHN E. MOSS,
Chairman, Special Government Information Subcommittee of the Committee on Government Operations.

DEAR SIR: Reference is made to your letter of October 23, 1961, requesting information regarding telephone monitoring and recording practices in this Board.

Your letter asks for the number of transmitter cutoff switches and listening-in circuits in use on telephones in the Washington area of the Board, and the cost of these circuits. The Board has 20 telephones equipped with what is known as a transmission cutoff switch. This

is the only type of listening-in circuit installed on telephone equipment in the Washington office of the Board. The total cost of these 20 transmission switches is \$60 per annum.

In the transaction of the Board's business, it is sometimes found convenient and expeditious to have a secretary take down accounting and other data dictated by either party to a telephone conversation. But this is always done with the full knowledge of all parties to the conversation, and therefore, the Board has no need for telephones with the transmission cutoff switch. Accordingly, the Board has decided to have all such cutoff switches removed from its Washington office and has issued instructions to that effect.

Your letter also sets forth numbered questions. These are answered seriatim, as follows:

1. The Board has no written rules or regulations covering monitoring or recording of telephone conversations.

2. The Board permits monitoring (as defined in your letter), of incoming telephone conversations in the manner and for the limited purpose described in the third paragraph of this letter.

3. The Board has no recording devices, and no monitoring devices except those listening-in devices referred to above, which presumably could be used as monitoring devices.

Sincerely yours,

LAWRENCE E. HARTWIG,
Chairman.

SECURITIES AND EXCHANGE COMMISSION

WASHINGTON

NOVEMBER 20, 1961.

Hon. JOHN E. MOSS,
*Chairman, Special Government Information Subcommittee of the
Committee on Government Operations.*

DEAR MR. MOSS: This is in reply to your letter of October 23, 1961, requesting additional information with respect to the monitoring of telephone calls.

No transmitter cutoff switches, listening-in circuits, recorders, induction attachments, or other types of monitoring equipment are connected to telephones assigned to the Commission, nor were such devices in use during the 1960-61 fiscal year.

As previously reported, in the spring of 1958 the Commission experimented to a very limited extent with a telephone monitoring attachment to office dictating equipment. In connection therewith, an Edison recorder-connector equipped with a warning device was purchased at a cost of \$38.50. The results of the experiment were inconclusive and formed no basis for any estimate of increases in economy or efficiency in operations. The equipment was disconnected in the summer of 1958 and placed in storage.

Written instructions have been issued affirming the Commission's practice as outlined in my response to your letter of June 20, 1961. The issuance of these instructions, a copy of which is enclosed, brings the operations of the Commission into conformity with the conclusions and recommendations of the subcommittee's report that telephone eavesdropping be prohibited, all types of listening-in devices be strictly

controlled, and advance notice be given whenever a secretary or any other person is placed on the line for any purpose.

Sincerely yours,

WILLIAM L. CARY, *Chairman.*

SECURITIES AND EXCHANGE COMMISSION

WASHINGTON

MEMORANDUM

To: Members of the staff.

From: William L. Cary, Chairman.

Subject: Monitoring of telephone calls.

The Special Government Information Subcommittee of the House Committee on Government Operations has recommended that every agency control the monitoring of telephone calls by written instructions. The purpose of this memorandum is to affirm the Commission's practice with respect to telephone monitoring.

The monitoring of telephone calls by the use of electronic equipment or by any other means for the purpose of producing a verbatim record of the conversation is prohibited.

Advance notice shall be given whenever a secretary or any other person is placed on the line for any purpose. Members of the staff may permit secretaries to make transcriptions of letters, reports, schedules of figures and similar material only with the prior knowledge and consent of the other party to the conversation.

No telephone recording devices are now in use in the Commission and no such equipment shall be installed without the prior written approval of the Chairman.

SELECTIVE SERVICE SYSTEM

WASHINGTON

DECEMBER 5, 1961.

Hon. JOHN E. MOSS,

Chairman, Special Government Information Subcommittee of the Committee on Government Operations.

DEAR MR. CHAIRMAN: I have your letter of October 23, 1961, in which you request that I furnish your committee information relative to any equipment which this agency may have capable of monitoring and recording telephone calls.

This agency has no such equipment in the Washington area. I have asked the State directors of selective service to inform me if they have any such equipment and I will advise you on this as soon as I have heard from them. At that time I will also respond to the other matters raised in your letter.

The committee's report, giving the General Services Administration as its source, stated that three transmitter cut-off switches and four listening-in circuits were installed on telephone equipment used by this agency in the Washington area. Actually one transmitter cut-off switch, and four listening-in circuits were installed at this agency. That equipment has since been removed. The total annual charge for these five installations was \$39 at the time of removal. The equip-

ment was not used for monitoring, within the definition of that practice given in your letter to me of June 20, 1961.

Sincerely yours,

LEWIS B. HERSHEY, *Director.*

SELECTIVE SERVICE SYSTEM

WASHINGTON

APRIL 4, 1962.

HON. JOHN E. MOSS,
*Chairman, Special Government Information Subcommittee of the
Committee on Government Operations, House of Representatives.*

DEAR MR. CHAIRMAN: In my letter to you of December 5, 1961, I informed you that I was undertaking a survey of the 56 State headquarters of the Selective Service System to determine what equipment they had capable of monitoring or recording telephone conversations. That survey has now been completed.

There are no cutoff switches or listening-in circuits on telephones in the System.

There is one dictation machine wired into a telephone circuit. It is equipped with a "beeper" warning tone. The costs of the telephone recording elements of this equipment are: \$24 per annum for the "beeper" service; a nonrecurring \$5 installation charge; and an original cost of \$25 for the dictation machine recording attachment.

Two other dictation machines with a built-in capacity to record telephone conversations were reported. These are so installed that by inserting a plug or throwing a switch, they can record telephone conversations. Neither is equipped with a warning tone. Neither is used for telephone recording. No separate price for the monitoring capability of these machines is reported.

A fourth dictation machine was reported which has a telephone recording attachment valued at \$20. It is not wired in and is not used.

One State reported that it possessed an induction type attachment for a battery-operated tape recorder which could be used to record telephone conversations without being wired in. This device is not used. Its original cost was reported as \$3.95.

I am issuing regulations covering telephone procedures. Two copies of those regulations are enclosed.

If you have further inquiries, please call on me at any time.

Sincerely yours,

LEWIS B. HERSHEY, *Director.*

SELECTIVE SERVICE SYSTEM

WASHINGTON

Administrative Bulletin No. 1.90, issued April 19, 1962.

Subject: Regulations governing monitoring and recording of telephone conversations within the Selective Service System.

The following regulations shall govern the monitoring and recording of telephone conversations within the Selective Service System:

SECTION 1. POLICY.—It is the general policy of the Selective Service System to not engage in the monitoring or recording of telephone con-

versations. Whenever it may be essential to the administration of the Universal Military Training and Service Act, as amended, any monitoring or recording of telephone conversations shall be conducted in strict compliance with the provisions of the regulations prescribed hereafter in this bulletin.

SEC. 2. USE OF MECHANICAL DEVICES.—No mechanical device for the monitoring or recording of telephone conversations shall be installed or used in any office of the Selective Service System without the prior approval thereof by the Director of Selective Service.

SEC. 3. ADVANCE NOTICE TO OTHER PARTY.—Whenever any officer or employee deems it necessary to have a secretary or other third party listen to or take part in a telephone conversation for the purpose of making notes or a verbatim record of all or part of any telephone conversation, or for any other purpose, he shall give advance notice thereof to the other party.

LEWIS B. HERSHEY, *Director.*

SMALL BUSINESS ADMINISTRATION

WASHINGTON

NOVEMBER 27, 1961.

Hon. JOHN E. MOSS,

Chairman, Subcommittee on Special Government Information Committee on Government Operations.

DEAR CONGRESSMAN MOSS: This is in reply to your letter of October 23, 1961, concerning telephone monitoring and recording practices in the Small Business Administration.

At the present time, we have a total of 78 transmitter cutoffs, which cost a total of \$153.60 per year, and no listening-in circuits on telephone equipment.

The Small Business Administration has no recorders or other instruments that can be used to monitor or record telephone conversations.

I have issued instructions to all employees of SBA concerning the monitoring of telephone calls. My instructions provide that such monitoring shall be restricted to instances wherein it is essential for the secretary to take notes concerning data, appointments, statistics, etc., and that verbatim transcripts of telephone conversations shall not be made without the caller's permission. I have also restricted the installation and use of telephone transmitter cutoffs to key employees of SBA. As a result of this change the number of transmitter cutoffs will be reduced to 34 with an annual savings of \$69.60.

As my instructions to the employees of SBA indicate, I am in general agreement with the recommendations in your report. I particularly endorse the recommendation that monitoring of telephone calls should be closely controlled and that recording devices should not be used. In addition, I feel that unless there is advance notice to the other party, no verbatim notes should be taken. I believe that the very limited use of monitoring of calls permitted in SBA increases the efficiency of operations, conserves the time of my top employees, and provides better and more efficient service to callers seeking information.

If we can be of further assistance to your committee in the conduct of this study, please do not hesitate to call upon us.

With kind regards, I am,

Sincerely,

JOHN E. HORNE, *Administrator.*

SMALL BUSINESS ADMINISTRATION

WASHINGTON

SBA BULLETIN

DECEMBER 1, 1961.

* * * * *

326-6 *Monitoring of telephones*

In order to protect the privacy of individuals calling or being called by employees of SBA, the monitoring of telephone calls shall be held to the absolute minimum. The monitoring of calls shall be done only for the purpose of noting appointments, statistical data, or other pertinent information. Verbatim notes of telephone conversations shall not be made unless required and agreed to by the outside party. SBA employees shall make a practice of advising outside parties when it is necessary for their secretaries to take notes of telephone conversations.

The use of transmitter cutoffs on telephone equipment shall be limited to the immediate office of the Administrator, the Deputy Administrators, the Assistant Administrators, the Special Assistants to the Administrator and Office Directors in Washington, and to Regional Directors in the field. Any transmitter cutoff now being used by other than officials indicated above shall be removed immediately.

DEPARTMENT OF STATE

WASHINGTON

NOVEMBER 22, 1961.

HON. JOHN E. MOSS,
*Chairman, Special Government Information Subcommittee,
Committee on Government Operations.*

DEAR MR. MOSS: This is in response to your letter of October 23, 1961, requesting information concerning the number and types of telephone monitoring equipment in this Department, annual costs, what action will be taken to conform with the committee's recommendations, and estimated increases resulting in the economy or efficiency of operation by the use of monitoring devices.

The Department has in the Washington area, according to the most recent listing of telephone equipment by the telephone company, a total of 708 transmitter cutoff switches and 94 listening-in circuits installed on telephone equipment. The total annual cost during fiscal year 1961 for transmitter cutoff switches was \$2,868, and the cost for listening-in devices was \$564.

There are no other electronic devices used in the Department to monitor telephone conversations.

Regulations concerning recording and monitoring of conversations are being drafted in the Department.

With regard to economy or efficiency in operations, secretaries are instructed to listen to telephone calls and to record information pertinent to the subject being discussed for followup purposes so that the responsible officer may take such action as is necessary to complete the project. This obviously relieves the action officer from repeating to the secretary the context of the conversation wherein she would obtain for him all background material that might be needed. In many instances, the substance is transcribed in the form of a "Memorandum of Conversation" and this information is filed for future reference.

I trust this information will be most helpful to your committee, and if there are any further questions, please do not hesitate to call on us.

Sincerely yours,

BROOKS HAYS,
Assistant Secretary
(For the Secretary of State).

DEPARTMENT OF STATE

WASHINGTON

MARCH 30, 1962.

HON. JOHN E. MOSS,
*Chairman, Special Government Information Subcommittee,
Committee on Government Operations.*

DEAR MR. CHAIRMAN: This is in response to Mr. Archibald's telephoned request to Mr. Lee March 27 with regard to telephone monitoring equipment and regulations in this Department. You originally sought such information in your letter to Mr. Hays October 23, 1961, to which he replied on November 22, 1961. Since that exchange of correspondence, the Department has issued a memorandum to all executive and administrative officers on the subject of monitoring of telephone calls. A copy of the memorandum is encloser.

Mr. Archibald specifically asked Mr. Lee whether there were any induction devices in use in the Department for monitoring telephone conversations. I should like to call to your attention to paragraph three of Mr. Hays' letter of November 22, in which he said: "There are no other electronic devices used in the Department to monitor telephone conversations." I am informed that that is still the case today.

If I can be of further assistance, please do not hesitate to let me know.

Sincerely yours,

FREDERICK G. DUTTON,
Assistant Secretary.

DEPARTMENT OF STATE

DECEMBER 15, 1961.

Memorandum to all executive and administrative officers.

Subject: Monitoring of telephone calls.

Effective immediately, monitoring of telephone calls will be held to a minimum. When it is necessary to monitor telephone calls, the following practices will be observed.

(a) Telephone conversations shall not be recorded by recording devices unless advance notice is given to the other party and the device is connected in accordance with the Federal Communications Commission regulations.

(b) Advance notice must be given whenever a secretary or any other person is placed on the line for any purpose whatsoever.

SUBVERSIVE ACTIVITIES CONTROL BOARD

WASHINGTON

OCTOBER 27, 1961.

Hon. JOHN E. MOSS,

Chairman, Special Government Information Subcommittee of the Committee on Government Operations.

DEAR CONGRESSMAN MOSS: This has reference to your letter of October 23, 1961, regarding telephone monitoring and recording in the Federal Government.

House Report 1215, adopted by the House Committee on Government Operations, has been studied and with particular attention directed to the committee's conclusions on page 5 and the recommendations on page 6. As to specific questions raised in paragraphs 2 and 3 of your letter, the following information is submitted for your survey of telephone monitoring practices:

1. The number of transmitter cutoff switches in use on telephones assigned to this agency in the Washington area: None.

(a) Total annual charge for such switches during the 1960-61 fiscal year: No charges.

2. Total number of listening-in circuits installed on telephone equipment assigned to this agency in the Washington area: None.

(a) Total annual charge during fiscal year 1960-61: No charges.

3. Telephone recording equipment purchased or leased by this agency: None.

4. This agency has no recorders wired into telephone circuits or induction-type attachments that can be used to record telephone conversations or any other types of instruments that could be used to monitor or record telephone conversations. Inasmuch as we have no devices of this nature it follows that there is no cost to be assigned to these items.

With reference to the last paragraph of your letter of October 23 it is regretted that the information previously furnished your committee seems at variance with the recommendations as stated in House Report 1215. There has been no evidence in this agency of the monitoring practices criticized in Committee Report 1215. In the few instances where secretaries have been asked to take notes of material being read over the phone this has been with the advance consent of the caller and done purely as a matter of mutual convenience. We recognize as does your committee that without clear, written regulations governing the monitoring of telephones, abuses could develop. Such regulations are now under consideration and a copy of the regulations will be forwarded to your committee when issued.

Because this agency is small and without responsibility for a wide variety of complex programs as may be found in many of the larger Federal agencies, my comments on the conclusions and recommendations of the committee's report must necessarily be limited to our own experience. When a secretary occasionally is asked to take notes, with the mutual consent of all parties to the call, the subject matter of the call can be handled more efficiently. You will note that we have no experience with recording devices so I can make no comment with respect to that matter.

If additional information is required in this connection or if we can be of further assistance, please let me know.

Very sincerely,

DOROTHY McCULLOUGH LEE,
Chairman.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
SPECIAL GOVERNMENT INFORMATION SUBCOMMITTEE
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
April 5, 1962.

Mrs. DOROTHY McCULLOUGH LEE,
*Chairman, Subversive Activities Control Board,
Washington, D.C.*

DEAR MRS. LEE: Your letter of October 27, 1961, on telephone monitoring practices within your agency states that regulations prohibiting telephone eavesdropping "are now under consideration."

A report on telephone monitoring practices in all Federal agencies is now in preparation. Have the regulations you mentioned been adopted? If so, please provide two copies.

Sincerely,

JOHN E. MOSS, *Chairman.*

SUBVERSIVE ACTIVITIES CONTROL BOARD

WASHINGTON

APRIL 10, 1962.

Hon. JOHN E. MOSS,
*Chairman, Special Government Information Subcommittee of the
Committee on Government Operations, Washington, D.C.*

DEAR CONGRESSMAN MOSS: This will acknowledge your letter of April 5 with reference to telephone monitoring practices within this agency.

I am glad to enclose two copies of this Board's policy statement on monitoring telephone conversations approved and promulgated on April 9, 1962.

Very sincerely,

DOROTHY McCULLOUGH LEE, *Chairman.*

SUBVERSIVE ACTIVITIES CONTROL BOARD

APRIL 9, 1962.

Administrative memorandum No. 11 (revised) : Supplement No. 2.
Subject: Monitoring telephone conversations.

It is the policy of the Subversive Activities Control Board that no telephone calls to or from the Board's offices be monitored by or for Board officials. The recording of telephone conversations by the use of mechanical recording devices in SACB is prohibited. "Monitoring" as used here means recording the conversation through the use of mechanical equipment or a stenographer for the purpose of producing a verbatim record of what was said. However, officials may continue to have their secretaries take notes of such items as names, dates, letters, figures, statistics, etc. They may also have a verbatim record made of portions of a conversation when both parties to the conversation agree that this is necessary and a matter of mutual convenience. Such occasions should, however, be considered as an exception to normal procedure. This order applies to all officers and employees of SACB.

ROBERT K. THURBER,
Acting Executive Secretary.

TREASURY DEPARTMENT

WASHINGTON

DECEMBER 21, 1961.

Hon. JOHN E. MOSS,
*Chairman, Special Government Information Subcommittee,
Committee on Government Operations*

DEAR MR. CHAIRMAN: This is in reply to your letter of October 23, 1961, requesting information concerning the use in the Treasury Department of certain telephone equipment.

The following information is submitted in answer to your specific inquiries:

Transmitter cut-off switches currently in use.....	105
Total charge for such switches in fiscal year 1961.....	\$853. 90
Listening-in circuits currently in use.....	38
Total charge for such circuits in fiscal year 1961.....	\$405
Recorders wired into telephone circuits ¹	1
Estimate of cost of recorders ¹	\$220
Induction-type attachments used to record telephone conversations.....	None

¹ This recorder, equipped with "beeper," is used by the Coast Guard to record messages received in connection with search and rescue operations.

Your letter states that the Treasury Department's reply to an earlier inquiry of the subcommittee indicates that the Department's practices are at variance with recommendations of the committee. You may recall that in your letter of June 5, 1961, you quoted to us with approval the policy statement of the Civil Service Commission. The Department subsequently adopted your suggestion and thereupon is-

sued a policy directive identical in every substantive respect to the policy statement of the Commission. We appreciate your forwarding to us the copy of the report setting forth the committee's views, but have no further comment or suggestion to make regarding it.

Sincerely yours,

ROBERT H. KNIGHT,
General Counsel.

THE SECRETARY OF THE TREASURY

WASHINGTON

ADMINISTRATIVE CIRCULAR No. 41

JUNE 9, 1961.

To: The Under Secretary.
The Under Secretary for Monetary Affairs.
The Assistant Secretaries.
Director, Executive Secretariat.
Heads of Bureaus.

It is the policy of the Treasury Department that no telephone calls to or from Treasury Department offices be monitored by or for Treasury officials. "Monitoring," as used here, means recording the conversation through the use of mechanical equipment or a stenographer for the purpose of producing a verbatim record of what was said.

Officials of the Treasury Department shall have individual discretion as to whether they will permit secretaries to listen and record names, dates, summaries, or similar material, but verbatim transcriptions of telephone conversations shall be made only when both parties to the conversation agree that this is necessary. Such transcriptions are to be considered as an exception to normal procedure.

The right to use mechanical or electronic telephone recording equipment by any official of the Treasury Department under any circumstances shall be subject to the prior approval of the Secretary or the Under Secretary of the Treasury.

DOUGLAS DILLON.

U.S. INFORMATION AGENCY

WASHINGTON

NOVEMBER 2, 1961.

Hon. JOHN E. MOSS,
*Chairman, Special Subcommittee on Government Information,
Committee on Government Operations.*

DEAR MR. CHAIRMAN: The following information, submitted pursuant to your request of October 23, supplements and amends our earlier response of July 10, 1961.

The Agency has in use 23 listening-in devices. Originally, the telephone company had installed 48, but 25 have never been used. These 25 have been disconnected and will be returned to the telephone company. The rental cost of these devices is 25 cents per unit per month. The total charge for the preceding fiscal year, therefore, has been \$144. For the remaining 23 now charged to the Agency, the total annual rental will be \$69.

USIA does not record regular telephone conversations. However, in addition to the above-mentioned listening-in switches, we have had in the Voice of America studio No. 22, four telephone recording devices. One is being discontinued, leaving three in use. These devices are used to record news stories phoned into the "Voice" studios, so as to obviate the necessity for stenographic note taking and subsequent transcription. Moreover, each device is equipped with a beeper warning signal. If the phones were ever used for ordinary conversation, the caller would automatically be warned. These devices are wired into the telephone circuit. They cost \$5 each to install, and their monthly rental is \$2 per unit. The total annual rental cost last fiscal year for the four devices was \$96. Future costs for the three remaining will be \$72 per annum.

The Agency does not utilize any induction-type or other device (aside from the four discussed in the preceding paragraph) which can record telephone conversations.

We do not now have, nor do we contemplate the issuance of written regulations regarding the use of listening devices. The four (now three) recording units are strictly for news story purposes. The 23 switch devices which enable a secretary to cut in on a telephone conversation are distributed among the offices of the Agency's top personnel. We do not believe it necessary to issue formal instructions for these key people, all of whom are fully familiar with established agency practices.

We further believe an announcement at the beginning of each telephone discourse that a secretary is listening in would sound so terse and unnatural as to embarrass both parties to the conversation. The purposes for which this Agency employs these devices are purely facilitative. The secretary listens in so that she may record appointments made during telephone conversations, secure background file papers, or otherwise assist her supervisor without the necessity of the supervisor repeating instructions to her at the end of each telephone conversation.

Sincerely,

EDWARD R. MURROW, *Director.*

U.S. INFORMATION AGENCY

WASHINGTON

MAY 4, 1962.

HON. JOHN E. MOSS,
Chairman, Special Subcommittee on Government Information, Committee on Government Operations.

DEAR MR. CHAIRMAN: In further reference to your request of October 23, 1961, the following information will supplement and amend our earlier responses to your subcommittee's inquiry.

As you were previously advised, the Agency originally had installed 48 listening-in devices. But we now find that 14 of these devices were listening-in circuits at a monthly cost of 75 cents each. The remaining 34 were transmitter cutoffs at a monthly cost of 25 cents each. The total charge for the preceding fiscal year, therefore, was \$228, instead of \$144 as we previously reported. However, you are advised

that all of the 34 transmitter cutoffs have now been removed and the total annual rental charge to the Agency for the remaining 14 listening-in circuits is \$126.

As we have previously stated, USIA does not record regular telephone conversations. However, in addition to the above-mentioned transmitter cutoffs, we have had in the Voice of America studio No. 22, four telephone recording devices. One is being disconnected, leaving three in use. These devices are used to record news stories phoned into the "Voice" studios, so as to obviate the necessity for stenographic note taking and subsequent transcription. Moreover, each device is equipped with a beeper warning signal. If the phones were ever used for ordinary conversation, the caller would automatically be warned. These devices are wired into the telephone circuit. They cost \$5 each to install, and their monthly rental is \$2 per unit. The total annual rental cost last fiscal year for the four devices was \$96. Future costs for the three remaining will be \$72 per annum.

The Agency does not utilize any induction type or other device (aside from the four discussed in the preceding paragraph) which can record telephone conversations.

You were previously advised that the Agency has no official policy covering the monitoring of incoming telephone calls but officers of the Agency do, from time to time, authorize their secretaries to listen in on incoming calls in order to facilitate the scheduling of appointments, etc. The matter has been the subject of further study since the subcommittee's most recent inquiry, and you are now advised that instructions have been issued prohibiting the unannounced monitoring of telephone conversations. The instructions, a copy of which is enclosed, cover both the recording of telephone conversations unless the recording device is connected in accordance with regulations of the Federal Communications Commission and the unannounced listening in of secretaries.

Sincerely,

EDWARD R. MURROW, *Director*.

U.S. INFORMATION AGENCY

WASHINGTON

MAY 4, 1962.

Memorandum to all Agency supervisory staff.
Subject: Monitoring of telephone calls.

Effective immediately, monitoring of telephone calls will be held to a minimum. When it is necessary to monitor telephone calls, the following practices will be observed:

(a) Telephone conversations shall not be recorded by recording devices unless advance notice is given to the other party and the device is connected in accordance with the Federal Communications Commission regulations.

(b) Advance notice must be given whenever a secretary or any other person is placed on the line for any purpose whatsoever.

EDWARD R. MURROW, *Director*.

U.S. TARIFF COMMISSION

NOVEMBER 29, 1961.

Hon. JOHN E. MOSS,
*Chairman, Special Government Information Subcommittee of the
Committee on Government Operations.*

DEAR MR. CHAIRMAN: This is in response to your letter of October 23, 1961, requesting information from the Tariff Commission concerning the monitoring of telephone calls.

With respect to your questions concerning monitoring and recording equipment, the following answers are submitted:

(a) There are two transmitter cutoff switches in use on telephones assigned to the Tariff Commission in the Washington area. The total annual charge for these switches during the 1960-61 fiscal year was \$18. It should be noted, however, that one of these transmitter cutoff switches is to be removed at the end of this month, and therefore, as of December 1, 1961, only one such device will be in use, at a cost of \$0.75 per month.

(b) The Tariff Commission has no listening-in circuits installed on telephone equipment assigned to it, nor does it have any devices or instruments for monitoring or recording telephone conversations.

You also have asked to be advised whether the Tariff Commission plans to implement the recommendation made by your subcommittee in House Report No. 1215 of the 87th Congress that all Government agencies promulgate clear, written regulations concerning the monitoring of telephone conversations. The Commission has issued such regulations, a copy of which is enclosed for your review.

I trust that this information will adequately serve your purpose.

Very truly yours,

BEN DORFMAN, *Chairman.*

TC MANUAL T1-1

NOVEMBER 24, 1961.

CHAPTER T-1. TELEPHONE CONVERSATIONS: MONITORING OR
EAVESDROPPING

Section 1. *Introduction.*—The Special Government Information Subcommittee of the House Committee on Government Operations has recommended, in H.R. Rept. No. 1215 of the 87th Congress, that every Government agency should control telephone monitoring by clear, written regulations, which would—

- a. Ban telephone eavesdropping;
- b. Ban use of recording devices unless there is advance notice to the other party; and
- c. Specify that advance notice must be given whenever a secretary or any other person is placed on the line for any purpose whatsoever.

Section 2. *Tariff Commission Policy.*—The Tariff Commission has adopted the above-cited recommendations as a matter of official policy, and all personnel are hereby directed that telephone eavesdropping is prohibited and that no monitoring of telephone conversations shall take place without the express knowledge and consent of the party with whom the conversation is being held.

VETERANS' ADMINISTRATION

WASHINGTON

NOVEMBER 1, 1961.

Hon. JOHN E. MOSS,
*Chairman, Special Subcommittee on Government Information, Com-
mittee on Government Operations.*

DEAR MR. MOSS: We are glad to furnish your committee this additional information regarding telephone monitoring practices in Veterans' Administration.

This agency has in use 57 transmitter cutoff switches in the Washington area, costing \$171 annually. This is the only type of listening-in device we use, other than recorders.

In the Washington area we have eight recorders attached to telephone circuits. These are Government-owned machines and represent an investment of about \$2,800 at current prices. Each recorder is equipped with a "beep" tone warning device, which, at \$2 per month each, cost \$192 per year. The use of recorders for telephone monitoring is covered by regulations as described in my letter of July 17. We do not permit the use of induction type recorders.

The same regulations permit and control the use of mechanical or electronic recorders in the field stations. Central Office does not have an inventory of the field station equipment. However, if you desire the information to cover the entire agency we shall be glad to assemble and send it to you, at your request.

We are studying the recommendations in House Report No. 1215 with a view toward preparing regulations to govern the monitoring of telephone conversations by secretaries.

Sincerely,

J. S. GLEASON, Jr.,
Administrator.

VETERANS' ADMINISTRATION

WASHINGTON

DECEMBER 1, 1961.

Hon. JOHN E. MOSS,
*Chairman, Special Subcommittee on Government Information, Com-
mittee on Government Operations.*

DEAR MR. MOSS: On November 1, the Administrator informed you we were in the process of studying the recommendations in House Report No. 1215 with a view toward preparing regulations to govern the monitoring of telephone conversations by secretaries.

We have now prepared regulations for control of all telephone monitoring in this agency, as indicated in the attachment. They are being incorporated in the appropriate VA manual, a copy of which we previously sent to the subcommittee. We are confident the regulations will result in a positive and timely improvement in our operations.

Sincerely,

A. H. MONK,
Associate Deputy Administrator.

VETERANS' ADMINISTRATION

WASHINGTON

MP-1, Part II

VA Manual MP-1, part II, "General Administrative," chapter 6, "Telecommunications," is amended as follows:

Page 6-3, delete paragraph 602.10, telephone recording devices, and substitute the following:

"602.10 Telephone monitoring

"(a) *By mechanical devices.*—Mechanical or electronic recording devices will be used only when it is determined that a verbatim transcript of exact figures, technical information, legal opinions, authorization of expenditures, or commitments made, is needed for subsequent reference in conducting official business. Such conversations will be recorded only under the following conditions:

"(1) Each recorder is equipped with an automatic tone warning device (FCC Docket No. 6787).

"(2) At the beginning of the conversation the other party(s) is orally notified that the conversation will be recorded for record purposes.

"(3) If the other party objects to having the conversation recorded, the device will be disconnected and the party so informed.

"Installation and use of mechanical recording devices in central office must have the prior written approval of the Administrator, the Deputy Administrator or the Associate Deputy Administrator and in field stations, the written approval of the appropriate Department head. Request for approval for the installation and use of such equipment must describe fully the use proposed for such equipment and the need for it.

"(b) *By secretaries or other personnel.*—Except as provided herein, monitoring of telephone conversations by secretaries or other personnel is prohibited.

"In those cases where the VA official decides, on an individual call basis, that a verbatim record of part or all of the conversation is needed for future official use, the conversation may be monitored for this purpose provided all other parties to the conversation are notified adequately of the monitoring.

"Some calls are received in the ordinary routine course of business where the recording of exact names, claim numbers, and other routine information is needed for followup action. In such cases, officials, in their discretion, may have secretaries take notes of such information and prepare informational or followup documents for completion of official action. In all other cases, if the secretary is to be kept on the line, the other party or parties to the call will be notified."

By direction of the Administrator.

A. H. MONK,
Associate Deputy Administrator.

VII. APPENDIX: CORRESPONDENCE ON FOURTH ARMY TELEPHONING MONITORING

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
SPECIAL GOVERNMENT INFORMATION SUBCOMMITTEE
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,

September 22, 1961.

HON. ELVIS J. STAHR, JR.,
*Secretary of the Army, Department of the Army,
The Pentagon,
Washington, D.C.*

DEAR MR. SECRETARY: The House Committee on Government Operations recently adopted without dissent a report condemning unannounced telephone monitoring and recording. The report recommends that each agency adopt specific regulations controlling such practices. For your information I am enclosing a copy of the report (H. Rept. No. 1215). The Special Subcommittee on Government Information is to carry out the committee's finding that "A complete survey of telephone monitoring practices in Federal Government is indicated * * *." (P. 6.)

There is an immediate problem, however, which Chairman Moss wishes to bring to your personal attention. When he had to go to California due to a death in the family, he directed the subcommittee staff to handle the matter.

A subcommittee investigator recently placed a telephone call to Headquarters, 4th Army, Fort Sam Houston, Tex. When the connection was completed, the investigator was informed that everything he said was being recorded. The investigator thereupon requested that a transcript of the conversation be provided the subcommittee. This was done on September 22, 1961. The transcript furnished the subcommittee by Headquarters, 4th Army, is not only garbled and inaccurate, but critical portions of the conversation, such as the initial discussion of the recording itself, have been deleted. Chairman Moss directed me to request that the subcommittee be furnished, as soon as possible, the Dictabelt on which the conversation was recorded and to make an accurate transcription of the conversation. The Dictabelt, recorded on a Dictaphone Dictacord SN 820507 model 49750 which was wired in as an integral part of the 4th Army telephone, will be returned along with an accurate transcription.

According to the manufacturer of the equipment used to record the investigator's conversation, it was specifically designed for direct installation on telephone circuits with insertion of "beeper" equipment. As you may know, telephone company tariffs require warning devices to be installed on all recording equipment so that the privacy of communication provided for in 47 U.S.C. 605 shall be maintained. The lack of such a device was specifically discussed by the subcommit-

tee investigator at the opening of his conversation with Headquarters, 4th Army.

An interview the same investigator held with certain officials of the 4th U.S. Army at Fort Sam Houston was monitored and transcribed. At the outset of the interview on September 5, 1961, the G-2 informed the investigator he desired to have the comments transcribed in shorthand. At the request of the investigator a copy of the transcript was provided the subcommittee.

As the result of these experiences, Chairman Moss asked that answers to the following questions be provided as soon as possible.

1. Are there Army regulations, instructions or standard operating procedures in effect covering the monitoring or transcribing of interviews by Members of Congress or committee investigators? If so, please provide the subcommittee with two copies of each regulation or directive.

2. Are there Army regulations, instructions or standard operating procedures in effect covering the monitoring or recording of telephone conversations? If so, please provide the subcommittee with two copies of each regulation or directive.

3. If there are no regulations covering monitoring or recording of telephone conversations, is it the Army's practice to permit such recordings at the discretion of unit commanders? Is recording permitted without use of warning devices?

4. If regulations, instructions, or any sort of standard operating procedures exist with regard to monitoring or recording telephone conversations, do these apply with equal force to telephone calls from the public, from other Government officials, and from Members of Congress or their representatives?

Sincerely,

SAMUEL J. ARCHIBALD,
Staff Administrator.

DEPARTMENT OF THE ARMY

OFFICE OF THE SECRETARY OF THE ARMY

WASHINGTON

JANUARY 10, 1962.

Mr. SAMUEL J. ARCHIBALD,
*Staff Administrator, Special Government Information Subcommittee,
Committee on Government Operations, House of Representatives.*

DEAR Mr. ARCHIBALD: Reference is made to your letter of September 22, 1961, and to Chairman Moss' letter of October 23, 1961, with respect to monitoring and recording of telephone calls within the Department of the Army. As both letters requested similar information, a consolidated reply was provided by my letter of November 20, 1961. Subsequently, you have asked for separate responses to these letters. Therefore, this letter will again supply the information you requested and a separate letter is being provided to Chairman Moss.

Your letter requested transmittal to the subcommittee of a Dictabelt on which was recorded a telephone conversation between Mr. Jack Howard of the subcommittee staff and Cap. James Lunz of Headquarters, 4th U.S. Army. As it was desired that this be furnished

prior to reply to the other matters raised in the letter, two magnetic tape recordings of the telephone conversation, taken from the Dictabelt, were hand-carried to you October 17. In connection with your inquiry about the use of "beeper" equipment during this conversation, the tape recordings disclose that a "beeper" was, in fact, used. It was assumed that the foregoing complied with that portion of the September 27 letter concerning this conversation.

With regard to your telephonic request of December 19 that the Dictabelt be brought to the Pentagon so that you could listen to it in person, the Department of the Army regrets that it is not able to provide the Dictabelt. Commanding general, 4th U.S. Army, has advised that the subject Dictabelt was destroyed along with other obsolete material in accordance with standing operating procedures of that headquarters. The Dictabelt had been retained longer than the normal 30-day period because of the committee's interest in it, but when the complete tape recording was made and sent to Department of the Army, the Dictabelt was destroyed.

The following information is furnished in response to the four questions listed in your letter:

(1) Are there Army regulations, instructions, or standard operating procedures in effect covering the monitoring or transcribing of interviews by Members of Congress or committee investigators? If so, please provide the subcommittee with two copies of each regulation or directive.

There are no Army regulations, instructions, or standard operating procedures in effect covering the monitoring or transcribing of interviews by Members of Congress or committee investigators.

(2) Are there Army regulations, instructions, or standard operating procedures in effect covering the monitoring or recording of telephone conversations? If so, please provide the subcommittee with two copies of each regulation or directive.

Changes No. 4 to Special Regulations No. 105-20-3 prescribes Department of the Army procedures for use of telephone equipment in all instances. Two copies of these changes were transmitted to the subcommittee with my letter of November 20, 1961. On the subject of monitoring of telephone calls, two copies of each of the following were also transmitted to the subcommittee: Chief of Staff Memorandum CS 311.3, April 14, 1961; OSA Memorandum No. 14-93, April 14, 1961; and Department of the Army Circular 105-8, October 31, 1961.¹

(3) If there are no regulations covering monitoring or recording of telephone conversations, is it the Army's practice to permit such recordings at the discretion of unit commanders? Is recording permitted without use of warning devices?

Reference is made to changes 4 to Special Regulations No. 105-20-3, cited in answer to question 2.²

(4) If regulations, instructions, or any sort of standard operating procedures exist with regard to monitoring or recording telephone conversations, do these apply with equal force to telephone calls from the public from other Government officials, and from Members of Congress or their representatives?

¹ See pp. 34-36 of this report for copies of Army regulations.

² See p. 34 of this report.

Reference is made to changes 4 to Special Regulations No. 105-20-3; Department of the Army Circular 105-8; Chief of Staff Memorandum 311.3; and OSA Memorandum No. 14-93. These apply with equal force to telephone calls from the public, from other Government officials and from Members of Congress or their representatives.

In order that this letter may be as complete as possible, as has been pointed out in the letter to Chairman Moss, the Department of the Army agrees that monitoring and use of recording devices should be controlled by regulations. As discussed above, the Department of the Army has implemented the April 11, 1961, memorandum of the Secretary of Defense on the subject of monitoring of telephone calls and has otherwise promulgated an armywide regulation on the use of recorder devices. It is pointed out that there are situations where economy and efficiency of operations are advanced by monitoring of telephone conversations or use of recorder devices, in conformance with the regulations previously transmitted. In carrying out various aspects of Department of the Army operations, there are situations where it is necessary to have an accurate transcription of a particular telephone conversation. These situations usually involve intragovernmental operations rather than the transaction of business with the public. Illustrative situations are set forth below:

- (1) Where specific orders or directives are issued, to avoid the possibility of misinterpretation or misunderstanding.
- (2) When it is necessary to receive by telephone complex and detailed data.
- (3) Where, through monitoring or recording of a conversation, subordinate personnel, including secretaries, are enabled to take specific action required without necessity of time-consuming action on the part of the executive involved in the conversation.

I trust this information will be of assistance to you.

Sincerely,

H. A. GERHARDT,
Major General, GS, Chief of Legislative Liaison.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
SPECIAL GOVERNMENT INFORMATION SUBCOMMITTEE
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,

January 18, 1962.

Maj. Gen. H. A. GERHARDT,
*Chief, Legislative Liaison, Department of the Army,
Washington, D.C.*

DEAR GENERAL GERHARDT: Thank you very much for the information contained in your letter of January 10, 1962, and for the other information which your office has made available on the monitoring of a telephone call on September 15, 1961.

Your letter states that the dictabelt on which the conversation was transcribed "was destroyed along with other obsolete material in accordance with standard operating procedures of" 4th Army Headquarters. I have discussed the matter with Congressman John Moss, chairman of the Special Subcommittee on Government Information, and he directed the subcommittee staff to determine the specific date on

which the dictabelt was destroyed, the exact method of the destruction, and by whom it was destroyed. Please explain what other obsolete material was destroyed along with the dictabelt and provide a copy of the standard operating procedures referred to in your letter.

Sincerely,

SAMUEL J. ARCHIBALD, *Staff Administrator.*

DEPARTMENT OF THE ARMY

OFFICE OF THE SECRETARY OF THE ARMY

WASHINGTON

FEBRUARY 8, 1962.

Mr. SAMUEL J. ARCHIBALD,
*Staff Administrator, Special Government Information Subcommittee,
Committee on Government Operations, House of Representatives.*

DEAR MR. ARCHIBALD: This is in response to your letter of January 18, 1962, requesting additional information concerning the destruction of a Dictabelt on which was recorded a phone conversation between Mr. Jack Howard and Capt. James Lunz, U.S. Army Reserve, on active duty with the G-2 Section, Headquarters, 4th U.S. Army, Fort Sam Houston, Tex. Information furnished in response to your inquiry has been provided by the commanding general, 4th U.S. Army.

To place these events in proper context, you will recall that the conversation took place on September 15, 1961; that tape recordings taken from the Dictabelt were hand-carried to you October 17, 1961; and that your request to have the Dictabelt itself brought to the Pentagon so that you could listen to it was made telephonically December 19, 1961.

The conversation in question actually was recorded on two Dictabelts (i.e., the end of one and the first part of a second). The magnetic tape recording of the conversation which was taken from the Dictabelts is a certifiable transcription of that conversation and a committee of officers had the recordings played back to insure that the transcription was accurate.

Destruction of the Dictabelts occurred in mid-November, some 30 days after the tape recordings were delivered to you. Because of the nature of its mission and the general character of materials habitually handled by G-2 Section, its excess files, whether classified or not, are destroyed by burning. The Dictabelts in question were not classified, hence there is no record of the specific date on which, or the specific person by whom, they were destroyed. It is thus impossible to identify specifically what other obsolete material was destroyed at the same time, except that it was official material which had been handled or filed in G-2 Section.

The "standard operating procedure" referred to in my letter of January 10, 1962, was not reduced to writing. It simply follows oral policy directives that all official materials in G-2 Section, whether classified or not, will be continuously protected, and destroyed by burning when they have served their purpose. Manual 345-3, of 4th U.S. Army, paragraph 64, does require that reading files be destroyed 30 days after the end of the month in which they were prepared.

With respect to records of phone conversations, the following procedure is followed by the G-2 Section: Dictabelts of telephone conversations having possible future importance are destroyed after transcriptions have been made and filed; Dictabelts having no future importance are destroyed without transcription. In the instant case, the Dictabelts had been transcribed, both in writing and on magnetic tape, and these transcriptions are still available.

I trust that this information will be of assistance to you.

Sincerely,

H. A. GERHARDT,
Major General, GS, Chief of Legislative Liaison.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
SPECIAL GOVERNMENT INFORMATION SUBCOMMITTEE
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,

February 12, 1962.

*Secretary of the Army, Department of the Army,
The Pentagon,
Washington, D.C.*

DEAR MR. SECRETARY: At my direction a staff member of the Government Information Subcommittee recently conducted an investigation of the recording by 4th Army Headquarters of a telephone conversation between him and an officer at that headquarters. Of special relevance to the investigation was examination of the original Dictabelt on which the conversation was recorded, so that it could be compared with incomplete transcripts that had been offered by the 4th Army as "certifiable transcripts" of the conversation. The investigation has now been completed with 4th Army's admission that it destroyed the evidence without making it available to the subcommittee.

Because of your support for President Kennedy's policy of providing Congress the information it must have for the discharge of its constitutional functions, I am taking the opportunity of bringing the facts in this case to your personal attention.

I am disturbed, Mr. Secretary, as I know you will be, that an Army field command would undertake to record a telephone conversation of an official congressional inquiry. I am even more disturbed to find inaccuracies in the transcript officially supplied the subcommittee as a "certifiable" representation of the conversation. And finally, I am shocked that a field command would destroy the evidence it knew was being sought by the subcommittee and which bore on the accuracy and veracity of an official, "certifiable" document.

One of the concerns felt by the Committee on Government Operations when it adopted House Report 1215, 87th Congress, condemning telephone monitoring was the fear that unilateral monitoring and recording opens the way to distortion and misrepresentation. The reasons for such fears are perfectly documented in the present case.

The original typewritten transcript offered by 4th Army of the telephone conversation was grossly inaccurate. It had been edited to the extent of changing words and phrases—and, thus, meanings—and even cutting out whole sections of the conversation. The tape recordings subsequently provided by 4th Army also lacked a signifi-

cant part of the conversation. And when the basic evidence itself was sought, 4th Army destroyed it. There is no way to tell whether the tape recording has been "doctored," or whether the original recording was incomplete. And the final act in this dangerous procedure is an apparent attempt by an Army representative to rewrite the facts in the case to make it appear that the destruction of evidence came about innocently, weeks before the subcommittee sought it for examination; the facts are that the subcommittee asked in writing for the evidence at least 6 weeks before it was destroyed.

As things now stand an incomplete, edited transcript of a conversation involving a congressional investigation lies in 4th Army Headquarters files, officially certified as an accurate representation of what was said. I am calling this to your attention because I am certain you would not desire such practices to be continued, if only for the reason that accuracy rather than convenience should be the guiding rule for such records.

Sincerely,

JOHN E. MOSS, *Chairman.*

DEPARTMENT OF THE ARMY

WASHINGTON

MARCH 16, 1962.

HON. JOHN E. MOSS,
*Chairman, Special Government Information Subcommittee,
Committee on Government Operations,
House of Representatives.*

DEAR MR. MOSS: You wrote me on February 12, 1962, calling my attention to a situation involving the recording of a telephone conversation between a staff member of your subcommittee and Headquarters, 4th Army. Because of your personal interest I have looked into the matter in considerable detail and am glad to report to you my conclusions.

I was particularly concerned about the suggestion that you may have been supplied a "doctored" transcript or tape recording, and that 4th Army had deliberately destroyed evidence which would reveal such "doctoring." After careful consideration I have concluded that such an implication is not justified.

First, I have compared the written transcript originally supplied your staff with the tape recording subsequently supplied. Enclosure A to this letter is a copy of a transcription of the tape recording annotated to show how it differs from the original transcription. Quite obviously there are a number of editorial changes. However, I must say that I do not find the original transcription substantially inaccurate. It seems to me that the substance of the conversation was faithfully and accurately transcribed. With respect to the omission of the fragmentary introductory material concerning the fact that the conversation was being recorded, it is clear that Mr. Howard was aware that the conversation was being recorded and I see no evidence that he raised any objection to this course of action. The tone of the conversation appears to have been friendly and noncontroversial. The recording was an incident of a phone conversation devoted to another subject and was quite irrelevant to the substance of that subject. Ac-

cordingly, I do not believe that there was anything improper in the preparation of the original transcription.

Thus far I have assumed that the tape recording accurately reflects the content of the original Dictabelt recording of the conversation and that the Dictabelts were, in fact, incomplete with respect to the initial part of the conversation. I do not understand Mr. Howard to allege that the tape recording, so far as it goes, does not accurately reflect what he said or what was said to him. Further, I do not know what Mr. Howard claims as to the part of the conversation which is not reflected at all in the tape recording. In this circumstance I would not be inclined to question the accuracy or completeness of the tape recording as compared with the Dictabelt original. However, in view of your personal concern I have obtained sworn statements in this regard from the special agent who prepared the tape recording and from one of the officers who reviewed it. Copies of these affidavits are contained in enclosure B.

The foregoing paragraph also convinces me that the destruction of the Dictabelt recording was in no sense a deliberate effort to destroy evidence. It is perfectly true that your staff asked for the Dictabelts in late September. However, on October 17 your staff accepted the tape recording in lieu of the Dictabelts, it having been explained to them that the Dictabelts contained other conversations. At this time Mr. Archibald indicated that if the tape recording was not satisfactory, he would make a further request for the Dictabelts. The Army received no notification that the tape recording was not satisfactory, or that the Dictabelts would be required, until December 19, a period of over 6 weeks. Indeed, 4th Army was never informed that there was any possibility that the Dictabelts might be required in addition to the tape recording. In the light of these circumstances, I believe you will agree with me that there is no reason to believe that evidence was destroyed by the Army after it learned that such evidence was being sought.

Finally, I share your concern that the conversation was recorded at all. Captain Lunz is a Reserve officer who had been called to active duty for a limited time in connection with the matter which was the subject of the conversation. As you know, that subject was the cause of considerable local controversy at the time; 4th Army personnel could not know in advance what might be the extent or complexity of the information Mr. Howard was seeking. Thus I can understand, even if I do not fully approve, the decision to record the conversation. Since the date of the conversation, additional guidance, enclosure C,³ has been issued to the field reiterating the criteria for use of recording equipment. A copy of this letter has been furnished to the commanding general, 4th Army, for his further guidance. I am sure he will see to it that the original written transcription is removed from the files.

I appreciate very much your calling this whole matter to my attention. I hope that this letter will clarify the position for you and, if you have any further questions, that you will not hesitate to let me know.

With kindest regards,

ELVIS J. STAHR, Jr.,
Secretary of the Army.

³ See p. 35 of this report.

